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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
July 18, 2006.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

HONORING JOSEPH NICOLA DELAURO

Ms. DELAURO. Mr. Speaker, I rise today to remember and to honor the memory of my uncle, Joseph Nicola DeLauro. I spoke on this floor when he was honored by the University of Windsor in Ontario, Canada when they named him founding director emeritus of the school of visual arts, the first such title the university has bestowed. Joe DeLauro died this past weekend, and I wanted to take this moment to honor his lifetime of creative works, and I recall my earlier words.

Born in New Haven, Connecticut, Joe DeLauro attended Yale University where he received his bachelor's degree, and later gained his master's at the University of Iowa. He was a sculptor, perhaps best known for his work depicting the archetypal figures from the far past and the Bible. Much of his work, including crucifixions, pietas, virgins, baptismal fonts, stone reliefs, and stained glass windows had been commissioned by churches, convents, schools, and other largely religious institutions. However, you can also find many pieces throughout the public spaces in his home of Canton, Michigan, and in private collections throughout the world.

Internationally recognized for his talent, he was honored by organizations in the United States, England, and Italy. Exhibitions of his work have been displayed in New York, Italy, and Canada. But perhaps his most important contribution was through his work as a teacher. I have often spoke of the need of talented, creative educators ready to help young people learn and grow. This is especially true for the fine arts, where the talent of young artists must be nurtured and encouraged for them to realize their dreams.

A professor of art at both Marygrove College and the University of Detroit in Detroit, Michigan, Joe DeLauro spent the majority of his career as an educator at the University of Windsor. He came to the university in 1960, where he began Windsor's fine arts department. Through his efforts as head of the department, he gained for the institution its right to grant a bachelor of fine arts degree, the first degree-granting privilege of its kind to be granted to an Ontario university. For this accomplishment, he was credited with the founding of Windsor's school of visual arts. In his 20-year career with the University of Ontario, he helped to shepherd hundreds of students through the demanding maze of discipline, taste, and scholarship, and off to their own careers. Mentor, friend, and educator, there was no better example of what a teacher should be.

To be bestowed with the title Founding Director Emeritus was a reflection of the respect, gratitude, and appreciation Joe DeLauro earned throughout his career at the University of Windsor. His extraordinary artistic and academic career leaves an indelible mark on the university, and his spirit will forever live on through the school of visual arts, a legacy that will touch and inspire thousands for generations to come. I join with the entire family of Joseph Nicola DeLauro in their sadness and in their joyful remembrance of a unique person.

Honored in his time and ours, I offer these comments on the floor of the House of Representatives as part of the eternal record of this good man.

MUMBAI BLASTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express concern about Pakistan's links to last week's terrorist attacks on Indian civilians. Although slow moving, the peace process between India and Pakistan was promising, and I am afraid that Pakistan now stands in the way of further progress.

First, I would like to express my deepest condolences to the families and friends of the victims of these devastating attacks. On the same day that terrorists hit Mumbai trains in the evening, similar coordinated attacks

occurred in Srinagar, Kashmir earlier in the morning. As a result, over 200 people have died and more than 700 have been injured. These attacks were senseless acts of terrorism and violence. I am confident that Indian officials will find the person or organization responsible for these actions and bring them to swift justice.

Mr. Speaker, the government of India has made a strong commitment to fighting terrorism in all its forms. Like the United States, nothing has deterred their firm policy to fight this regional and global menace. Unfortunately, Mr. Speaker, Pakistan has not proven the same commitment. The government of Pakistan still lacks the appropriate law and order that is necessary to deter terrorist cells from looming and growing within their borders.

Over the past few days, it is becoming clearer that the terror units responsible for the attacks in India and Jammu and Kashmir were initiated and supported by elements in Pakistan. Leads are now pointing to the involvement of Lashkar-e-Tayiba, a terrorist organization that has received support from Pakistan's Inter Services Intelligence.

This group is active in the anti-Indian insurgency in Kashmir. Although outlawed in Pakistan, it continues to function under other guises. In fact, their leader Hafiz Muhammad Saeed enjoys freedom in Pakistan despite this official ban on his organizations by the Pakistani administration.

Lashkar-e-Tayiba is also blamed for several other attacks on Indian soil in recent years, including the attack on the Indian parliament in December 2001 that almost instigated another war between the two countries. Since then, India and Pakistan have been engaged in peace talks over Kashmir. Violence had declined until recent weeks. Though no official deal over Kashmir has yet been made, talks between the countries have led to prisoner releases, increased tourist visas in each country, and bus and train links across the divided region of Kashmir.

However, Pakistan's failure to rein in terrorist organizations operating within its borders is threatening the peace process. Despite having vowed in 2004 not to allow any part of its territory to be used by terrorist groups such as Lashkar-e-Tayiba, the Pakistani government has simply watched while terrorist attacks took place in Jammu and Kashmir and other parts of India.

Pakistan has not implemented its promise to stop the terrorism. Acts of violence continue to occur on their watch, and the people of India and Kashmir are suffering. Pakistan must begin to demonstrate their commitment to the global war on terrorism. It must live up to its end of the bargain and control the violence. Otherwise, it will become exceedingly difficult for India to sustain the peace initiative.

Mr. Speaker, the spirit of the people of Mumbai and Jammu and Kashmir has demonstrated very strongly that terrorism cannot and will not succeed in destroying a people or a nation. My only hope is that these attacks strengthen the resolve of the government of Pakistan in combating Islamic terrorism. Pakistan must not let Islamic extremism undermine the peace process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FORBES) at 10 a.m.

PRAYER

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

Eternal God and Father of all, source of life and health, keep us fit and able to accomplish Your holy will in all the trafficking of a busy day.

No secret is hidden from You, for every human soul is open to You. You are attentive to every prayer and know the beat of every wish that springs from a sincere heart.

Lord, grant Congress good judgment, and the President divine guidance, that peace and reconciliation may flourish upon the earth. We ask this, calling upon Your holy name, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California 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.

STOP EMINENT DOMAIN ABUSE

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

Mrs. KELLY. Mr. Speaker, last year in the wake of the Supreme Court's Kelo v. New London decision, House Republicans drafted and passed legislation to better protect private property owners from eminent domain.

Today I rise seeking support for my effort to stop the potential for eminent domain abuse brought forth by last year's energy bill.

Permit holders now have the ability to petition U.S. District Court for authority to use eminent domain to construct power lines. This gives eminent domain power not to an accountable government agency, but rather to private companies.

In my Hudson Valley district, a company has a disruptive and damaging plan to place a power line from central New York all of the way to New Windsor, in spite of objections from numerous municipalities in its path.

Eminent domain is a tool that will likely be sought to advance this widely opposed plan. To end this threat, I am introducing a bill called the Protecting Communities from Power Line Abuse Act.

Let's value our constituents' rights to personal property. Cosponsor my bill and prevent efforts to abuse eminent domain and undermine our local communities.

CREATING PEACE

(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, we make war with such certainty, yet are befuddled how to create peace. This paradox requires reflection if we are to survive. Making and endorsing war requires a secret love of death, a fearful desire to embrace annihilation. Creating peace requires compassion, putting ourselves in the other person's place, and all of their suffering and all of their hopes, and to act from our heart's capacity for love, not fear.

The fight against terrorism in the 21st century is beginning to have the feel of the fight against communism in the 20th century, conjuring of enemies, scapegoating and wanton destruction. Our war on terror has become a war of error, so we blame the exercise, our capacity for warmaking. And because we have not yet begun to explore our capacity for peacemaking, we are reduced to a predatory voyeurism, once making war, watching war, being aghast at war, impotent to stop our own creation.

We are the most powerful Nation, but we do not have the power to reserve for ourself or to grant to our allies an exemption from the laws of cause and effect.

The fate of the world hangs in the balance, and until we consciously choose peace over war, life over death, the balance is tipping toward mutually assured destruction.

IMMIGRATION REFORM

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

Mrs. MILLER of Michigan. Mr. Speaker, House Republicans have demonstrated their commitment to immigration reform by passing a very strong border security bill that focus on strengthening our border and enforcing our law. I think that the House Republican bill does reflect the majority of Americans.

Unfortunately, Democrats have decided to go a different way. The Reid-Kennedy immigration bill would, one, allow as many as 60 million more immigrants over the next 20 years; two, Mexico would have to be consulted regarding construction of a barrier on our border; and, three, guaranteed Social Security benefits would be provided for illegal immigrants for the time they were in the country illegally.

So if an American citizen broke our Social Security laws, he or she would face jail time. But if an illegal immigrant broke the laws to get here and then broke our Social Security laws, we are going to reward them.

Mr. Speaker, House Republicans are doing the right thing by taking this issue to the Nation. We are holding hearings around the country to gain input from our citizens. Already a common theme we are hearing is that people would rather have no bill than a bad bill.

So in the interim, as Congress remains in a stalemate with the Democratic Senate bill, how about this as a concept: Enforce the current immigration laws.

REPUBLICAN CONGRESS IGNORES MIDDLE CLASS NEEDS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, we are more than halfway through the year, and the Republican do-nothing Congress has yet to pass any meaningful legislation that will benefit America's middle class.

For too long, President Bush and his friends here in the Congress have worked exclusively on behalf of the CEOs and the most privileged in our Nation. But Democrats believe it is time to take our Nation in a new direction, one where America works for all Americans.

Thanks to the misplaced priorities of Washington Republicans, middle-class Americans are working for less today than they were when the recovery began in November 2001. While wages are stagnant, monthly bills have gone through the roof. College costs 40 percent more. Health care costs are 75 percent more, and gas prices have doubled. These dramatic increases have forced millions of hardworking Americans to take on debt.

And yet Washington Republicans continue to tout this economy. They really are out of touch. I think they have been spending way too much time at the country club. It is time that the voices of all Americans are heard, and that will only happen with a Democratic Congress.

RECOGNIZING EMILY LAWRIMORE

(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, with the continuity of a congressional session, there is a normal shuffling of staff positions. Today, it is with mixed emotions that I announce the departure of Emily Lawrimore.

For the past year and a half, Emily has held one of the most difficult jobs on Capitol Hill, serving as the communications director in the office of the Second Congressional District of South Carolina.

Emily has handled her position with professionalism, grace and integrity. Her dedication and work ethic will be difficult to replace.

Emily began her career in Washington as a staff member of Congressman Charlie Norwood. She left the halls of Congress last Friday to become assistant press secretary for President George W. Bush. I am confident that Emily will be a welcome addition to the President's press office.

As a graduate of Clemson University, Emily Lawrimore is one of two children of Marshall and Cindy Lawrimore of Columbus, Georgia. She is a credit to the people of South Carolina and Georgia, and I wish her godspeed.

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

FILE FREEZE

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

Mrs. MALONEY. Mr. Speaker, in this age of electronic transactions, we are all highly vulnerable to having our identity stolen and our credit ruined. Americans deserve every tool available to help protect their identities and their credit.

And yet a data protection bill that passed out of the Committee on Financial Services and that is moving to this floor for a vote strips away the ability that consumers in 18 States have to control access to their credit reports at all times. It would allow consumers to freeze their files only after they are victims of identity theft, and that would absolutely do no good.

File freeze works because it stops the granting of new credit without the consumers' expressed permission. I urge my colleagues to help protect consumers' credit and identities. I urge them to cosponsor H.R. 5482 and join me in fighting for consumers to have the ability to freeze their own credit information.

SMALL BUSINESS BILL OF RIGHTS

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

Mr. KELLER. Mr. Speaker, today I rise to give the American people an update regarding what the House has done to implement the Small Business Bill of Rights.

Small businesses create 70 percent of all new jobs. In April of 2005, the House passed the Small Business Bill of Rights which provided a blueprint for Congress to help small businesses create new jobs. As the author of this legislation, I am pleased to report that the House has done its job in 2005.

In April, the House passed legislation repealing the death tax to allow family-owned small businesses to survive.

In July, the House passed association health plans to help small businesses with the skyrocketing cost of health insurance.

Also in July, the House passed four OSHA reform bills to help small businesses with red tape relief.

In October, the House cracked down on frivolous lawsuits by passing the Lawsuit Abuse Reduction Act and the Personal Responsibility in Food Consumption Act, which I authored.

Currently, all of these bills are stuck in the Senate and time is running out. I urge the Senate to act now to help small businesses by passing these legislative initiatives.

TIME TO MOVE IN A NEW DIRECTION

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

Ms. WATSON. Mr. Speaker, it is becoming an election year tradition: House Republicans bringing up hot-button issues that have absolutely no chance of ever becoming law.

This week, House Republicans will use pledge protection and gay marriage as a means to distract and divide our Nation. Are these really the priorities of the Republican majority when we have a hot spot virtually spinning out of control in the Middle East?

The truth is this is nothing but an attempt to turn attention away from their failures over the last year on the issues that are the most important to the majority of the American people.

Republicans have failed to join us in increasing the minimum wage, they have yet to provide any relief to the American consumer at the gas pump, they continue to stall negotiations on comprehensive border security and immigration reform, and they have allowed the issue of lobbying reform to fall off the legislative agenda after all

of the lobbying corruption we have witnessed over the last year from the other side of the aisle.

PREACH ON, MR. PRESIDENT

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

Mr. POE. Mr. Speaker, our President was caught on camera, on microphone, and off the cuff yesterday. He said: ''What they need to do is get Syria to get Hezbollah to stop doing this (nonsense), and it's over.''

He told Tony Blair he felt like telling U.N. Secretary General Kofi Annan to get on the phone with Syria's President and ''make something happen.'' After all, that's Annan's job.

What he said was the truth. I am glad we got to hear his candor, his straight talk, his no nonsense analyzing the problem: Syria can stop this border war.

He stated: ''Hezbollah is housed and encouraged by Syria and financed by Iran.''

Our President left out the politically correct niceties and cut to the chase.

Mr. President, preach on, preach on. The blunt blazing truth without any fluff is what needs to be said. We know who is behind the attacks against Israel and we know who can stop it. It is time all people of the world hold the aggressive Hezbollah terrorist thugs accountable for starting this border war.

And that's just the way it is.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE

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

Mr. NEAL of Massachusetts. Mr. Speaker, yesterday the House passed H.R. 4376, the Springfield Armory National Historic Site, Massachusetts Act of 2005. This legislation authorizes the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of the superb Springfield Technical Community College.

The Springfield Armory Museum is home to Longfellow's famous gun rack which inspired the arsenal at Springfield, home to the Springfield rifle, the Gerrand rifle, the site of Shay's rebellion and located on the Knox Trail which General Knox used and traversed as he moved to Boston and Dorchester for those fateful days of the American Revolution.

This legislation seeks to recognize and update the partnership between the Park Service and the college by authorizing the Park Service to enter into a cooperative agreement with the Commonwealth to provide financial assistance to the college for the purpose of maintaining, preserving, renovating and rehabilitating many of the historic structures within the Springfield National Historic Site.

This is a very important piece of legislation, Mr. Speaker, and it actually will allow a cooperative agreement to take place that will transform the complexion of what is also the site of the famous Olmstead Papers. I am grateful for this recognition that the House offered yesterday on behalf of these two individual sites.

□ 1015

REPUBLICAN ECONOMIC GROWTH

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

Ms. FOXX. Mr. Speaker, I rise today to share good news with the American people. Republicans' pro-growth economic agenda, combined with spending restraint, is driving the deficit down while pushing revenues up. In fact, if we can continue along this path of fiscal restraint, we will cut the deficit in half by the year 2008.

In addition to decreasing the deficit, the economy has created 2 million new jobs in the past year. In fact, over the past 3 years America has created more new jobs than Japan and all 25 members of the European Union combined.

Mr. Speaker, tax cuts are working. Our economy is strong and the deficit is down.

Republicans have been working tirelessly and successfully to push our economy in the right direction. Democrats, on the other hand, continue to push their tax and spend policies, a plan which is neither good for the family checkbook nor the American economy.

CONGRESSIONAL HISPANIC CAUCUS REGIONAL HEALTH FORUM

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

Ms. SOLIS. Mr. Speaker, today I rise to celebrate the Congressional Hispanic Caucus Regional Health Forum that was held on July 7 in Los Angeles, California.

The Hispanic Caucus and Congressmember JOHN CONYERS from the Black Caucus came together with over 200 community activists to find a new direction to battle health care disparities in disadvantaged communities.

The new direction that we have adopted ensures quality health care that is accessible, affordable and culturally and linguistically appropriate.

An accessible and culturally sensitive health care system is critical to addressing conditions that disproportionately impact communities of color like, for example, diabetes, obesity, kidney disease, HIV and AIDS, and mental illness. All these chronic illnesses affect our communities.

The new direction developed at the forum is one where community members, providers and policymakers at the local, State and Federal levels come together to collaborate to end health care disparities; and we plan for solutions in the next upcoming congressional session.

We came together with the Hispanic Caucus at this forum in Los Angeles, and we will continue to take the show on the road throughout the country to ensure that all Americans have a healthier system of health care.

IT IS TIME TO RAISE THE MINIMUM WAGE

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

Mr. BOEHLERT. Mr. Speaker, the time for an increase in the minimum wage has not just arrived; it is long overdue. The national minimum wage has not been increased in 9 years. By year's end, 21 States across America will have a minimum wage exceeding the Federal minimum wage. Isn't it about time that we in Washington recognize the need to act, to level the playing field? Of course it is. The way things are going, we are not too far from the day when it will take an hour's labor just to pay for the gasoline to get to the job. Then, if you are like most people and you want to go back home after you work, it is going to take you another hour's wages, 2 hours just for transportation for the minimum-wage worker.

What is left for the other essentials of life, to put a roof over your head and food on your table? Not very much.

Mr. Speaker and my colleagues, we need to act now to increase the national minimum wage.

QUESTIONING REPUBLICAN PRIORITIES

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

Mr. EMANUEL. Mr. Speaker, here are some of today's headlines:

''Toll Climbs in Mideast As Fighting Rages On.''

''Scores Killed in Bomb Attack Near Shiite Shrine.''

''Three U.S. Soldiers Killed on Monday.''

''Taliban Capture Two Afghan Towns.''

''Oil Futures At $75 a Barrel.''

''Wholesale Prices Climb 0.5 Percent in June.''

''Heat Wave Strains Electric Systems Nationwide.''

The Republican Congress's response is banning gay marriage. It is an obvious connection.

On this day nearly 2,000 years ago, Emperor Nero played his fiddle while Rome burned to the ground. This Congress would make the Emperor proud.

With all the challenges facing our Nation here at home and abroad, the Republican leadership is trying to distract the American people by playing the same old tunes, writing discrimination into the United States Constitution.

To govern is to choose, and the Republican Congress has made its priorities clear.

It is time for a new direction. It is time for a change.

MIDDLE EAST

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

Mrs. BLACKBURN. Mr. Speaker, for several generations now we have watched Middle Eastern-born terrorism intimidate, maim and kill Americans and our allies around the free world.

The images coming out of Israel and Lebanon are a sad, ugly replay of something we have seen far too often. Mr. Speaker, there is no easy solution to this problem, despite what some pundits on the talk show circuit would tell us. This is a fight between a nation and between terrorists who claim no nation.

It is simply unacceptable that Iran would be permitted to fund a terrorist organization like Hezbollah. It is unacceptable that the state-sponsored terrorist organization would be placed in another nation, Lebanon, in order to wage a steady war against one of our allies. That is what has been happening for far too long.

Mr. Speaker, our President is exactly right not to condemn Israel for taking actions to defeat its terrorist enemy.

A CLUELESS CONGRESS

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

Mr. MORAN of Virginia. Mr. Speaker, there is a conflagration in the Middle East. We are losing the war in Iraq. We are losing ground to the Taliban in Afghanistan. The stock market is crashing, gas prices are skyrocketing. We have raised the debt ceiling four times to $9 trillion, all of which we are going to dump on the backs of our children, who we are inadequately educating, let alone creating a safer world for them.

And what are the Republican congressional leadership's priorities? To ban same-sex marriage, to ban flag burning, to ban stem cell research, to ban child safety locks on guns in the home, to ban abortion here and family planning abroad, to protect the pledge of allegiance, to cut $20 billion from college student loan programs, to cut $9 billion from elementary and secondary education. And, oh, yes, more tax cuts.

Mr. Speaker, this has got to be the most clueless Congress in American history.

STEM CELL RESEARCH

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

Mr. CARNAHAN. Mr. Speaker, last year this House passed the landmark stem cell bill, H.R. 810. We know that President Bush has already authorized research, even though it is arbitrary and artificially restricted, when he made his executive order allowing research on existing stem cell lines before 9 p.m. August 9, 2001, and prohibiting them after that date.

We know that in 2001 it was believed 78 stem cell lines existed. But now we know there are only 22 that are viable, and they have been contaminated with mouse stem cells.

We know that we are at a historic crossroad in Washington this week. We are either days away from this Congress passing this stem cell bill, or we are going to see delays for years. We know that this issue has united Americans into action across party lines. It includes over 80 Nobel Prize scientists. It counts hundreds of disease-fighting groups advocating for 110 million Americans who are afflicted with a genetic sentence to disability or death.

We know President Bush has signed over 1,000 bills into law. This is not the time to start with the Presidential roadblock of a veto.

TIME FOR A CHANGE IN LEADERSHIP

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

Mr. DEFAZIO. Mr. Speaker, the Middle East is near all-out war and the United States is on the sidelines hamstrung by the Bush occupation of Iraq. We will borrow $1.3 billion today to run the government and hand the bill to our kids and grandkids.

Record gas prices are hamstringing family budgets and business. Record oil profits for the oil companies, and we are borrowing the money from Saudi Arabia and OPEC.

Now, these are difficult issues, and it would be tough to hammer out solutions here on the floor of the House, so the Republican majority has chosen to walk away from these issues of real concern to the American people and phony up an agenda full of dead-end bills designed for one purpose only, to excite the Republican right wing base and perpetuate their hegemony here in Congress.

Two fake stem cell bills to cover the first veto by this President of a meaningful stem cell bill that could provide relief to suffering Americans, paralyzed Americans, Americans with debilitating diseases. But, no, their ideologues won't allow that. They want medieval science to prevail here in Washington, D.C. It is time for a change in the leadership, to have a Congress that truly represents the needs of the American people, not a fringe element in this country.

MARRIAGE PROTECTION AMENDMENT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 918 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour and 30 minutes of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 88 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 918 is a closed rule. It provides 1 hour and 30 minutes of debate in the House equally divided and controlled by the majority leader and the minority leader or their designees. This resolution waives all points of order against consideration of the joint resolution, it provides one motion to recommit, and it provides that during consideration of the joint resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

Mr. Speaker, I rise today in support of House Resolution 918 and the underlying joint resolution, H.J. Res. 88, the Marriage Protection Act.

First, I would like to thank Representative MARILYN MUSGRAVE, the author and lead sponsor of this constitutional amendment, for her steadfast commitment to the preservation of traditional marriage.

As the manager of this rule and an original cosponsor of the underlying joint resolution, I am very pleased the House will have an opportunity today to consider and debate this very important amendment to our Constitution.

Mr. Speaker, the proceeding debate, both on the rule and the underlying resolution, either can be divisive and disrespectful, or it can be respectful and productive. This amendment has nothing whatsoever to do with exclusion, but it has everything to do with protecting the traditional and historical definition of marriage as a union between one man and one woman.

Contrary to what the opponents of this resolution might say today, this amendment will simply preserve the

traditional definition of marriage as it has existed for millennia.

I anticipate there will be those on the other side who will say this amendment was concocted for political purposes. To the contrary, Mr. Speaker. This amendment is in response to a few activist judges who are trying to throw out the definition of marriage, along with over 200 years of American judicial precedent.

□ 1030

These judges, and these judges alone, made this matter an issue, and they did so without one vote cast in either a legislature or at the ballot box. These activist judges substituted legal precedent and the will of the American people with their own personal desires and political beliefs. Their decision to scrap the traditional definition of marriage has forced us, forced us, to now consider enshrining the definition of marriage into our Constitution.

Mr. Speaker, like most of my colleagues, I would prefer to not have to address this issue in this manner. But, unfortunately, I know my constituents and a strong majority of the American people want us to defend the traditional definition of marriage. A poll by the New York Times, not exactly a bastion of right-wing conservatism, they found that 59 percent, I repeat, 59 percent, of Americans favor an amendment to the Constitution stating that marriage is a union between one man and one woman.

I also, sadly, realize this amendment will probably not have the necessary two-thirds majority to pass and opponents will cite this as a reason to not even consider the underlying resolution. We heard it in a couple of the 1-minute speeches from the other side just a few moments ago. Well, this vote will serve as an opportunity for each and every Member of this body to go on record in support or in opposition to protecting the traditional definition of marriage. And after this vote each of us will be judged accordingly by our constituents, and I can say with a clear conscience and without hesitation that I will support this rule, I will support the underlying resolution for the sake of the sacred institution of traditional marriage and for the sake of our precious children.

Mr. Speaker, I also want to encourage my colleagues to support the rule and this underlying resolution.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I very much regret that the Republican majority in this House has brought this bill to the floor. This bill, to put it simply and bluntly, is about adding discrimination and intolerance to the United States Constitution. This is about the Republican majority's once again trying to divide and polarize the Nation. It is about the Republican leadership's taking something that should be about love and turning it into a weapon of hate.

I am proud, Mr. Speaker, to be from Massachusetts, the home of the Nation's first State Constitution. In Massachusetts over 8,000 same-sex couples have been married since May of 2004, when it became legal. I should advise my colleagues that Massachusetts has not fallen off the map into the Atlantic Ocean. The sun still rises and sets in the Commonwealth. The Red Sox still play at Fenway, and life goes on. The only thing that is different is that couples of the same sex who love each other, want to spend the rest of their lives together, and want to get married can do so. It means that men and women who happen to be gay are able to enjoy the same rights, privileges, and responsibilities as men and women who happen to be straight. And, Mr. Speaker, that is how it should be.

Those who have continued to advocate a ban on same-sex marriage are on the wrong side of history. There are some here who claim that they are on some sort of moral crusade to protect the institution of marriage. To them I say worry about your own marriage. I do not need you to protect mine. I have been happily married to the same woman for 17 years without the help or interference of Congress. What we should be protecting are the civil and human rights of all Americans.

The fact that same-sex marriage is legal in my home State has had no impact on my marriage except that we were invited to more weddings. Same-sex marriage is a threat to no institution, to no individual.

The underlying bill before us would not only add discrimination to the Constitution for the first time in our history. It would repeal, it would actually take away, the rights of thousands of Americans. What do the supporters of this bill say to the gay couples in Massachusetts who are now legally married; our family members, our neighbors, our coworkers, the people who sit next to us in church? Do you say your marriage is now meaningless and we are going to take away your rights? Do you say we are sending you back to second-class citizenship? Do you say that we have so much hatred for who you are that we are willing to tarnish the United States Constitution?

Marriage law in this country has traditionally been left to the States. Indeed, even in Massachusetts the same supreme judicial court that the proponents of this bill decry recently ruled that a referendum banning same-sex marriage can go forward. That referendum is currently working its way through the process. And I believe, of course, that the referendum should and will fail, that the citizens of Massachusetts would not vote to turn back the clock. But that should be up to us, Mr. Speaker, not to the people of Colorado or Georgia or anywhere else.

In addition, this bill jeopardizes not just same-sex marriage in Massachusetts but domestic partnership and civil union laws in other parts of the country. The proposal before us is so poorly drafted that legal experts disagree on exactly what effect it will have on those laws. That means, of course, that the issue will end up back in the courts, which is ironic given the concept of court-bashing by the bill's supporters.

Mr. Speaker, the impact of this debate goes far beyond constitutional arguments. The proponents of this bill are contributing to a climate of intolerance. We will hear protests from the other side today that they have no problem with gay people. Yet here they are arguing that gay people do not deserve the same rights as everybody else.

Mr. Speaker, I am also terribly troubled by the hate spewing from some of the outside groups using the same-sex marriage issue to whip up emotions and raise money. Mr. Speaker, some of the rhetoric is just deplorable. But I doubt that we will hear any of the bill's supporters denouncing it here today on the floor.

My colleagues, discrimination is discrimination, and it should find no sanctuary in our Constitution or in our hearts. It should find no sanctuary on the floor of the people's House.

We all know why this proposal is before us. It is an election year, and if it is an election year, the Republican leadership will find a place on the agenda for gay-bashing.

This proposal is worse than a distraction. It is not an assault on our fellow citizens. It is an attack on a piece of their humanity, and I urge you to stand on the right side of history and to defeat this bill.

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

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

In response to a couple of things that my good friend said, Mr. Speaker, nowadays lots of people are claiming that marriage is a discriminatory institution. Same-sex couples say marriage discriminates against them. Believe it or not, single people are now complaining that marriage discriminates also against them. After all, say the singles, why should the State give special benefits to married parents but not to us?

It gets worse. Even polygamists and believers in group marriage, who call themselves polyamorists, are saying that marriage discriminates against them.

Now, if the support society gives the men and women who have the potential to create children is going to be called discrimination, pretty soon there is not going to be such a thing as a marriage at all. When one group can call marriage discrimination, then any group can make the same claim.

And, also, Mr. Speaker, there was a comment about a couple loving each

other. But this is not a civil rights issue. Love, of course, is a great thing. But in my humble opinion, marriage is not just any kind of love. It is a love that can bear children, and it is a love that involves both a mom and a dad. Two men might be a good father. But neither one is a mom. The ideal for children is the love of both a mom and a dad. No same-sex couple can provide that. The ideal for marriage is about bringing together moms and dads so children have a mother and a father to learn from.

With that, Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina, Representative VIRGINIA FOXX.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

I also want to thank my colleagues for seeing the great need for this debate, a need which is no longer on the horizon but has reached the forefront as it has begun to affect American families.

It is the right time to discuss a marriage protection amendment. As Members of this Congress, we have a responsibility to look at this critical situation for marriage and the real possibility that the courts are going to redefine marriage.

This constitutional amendment would concretely define marriage as we always have: as the union between one man and one woman. The disintegration of the family is the force behind so many of our most serious social problems. We cannot turn a blind eye to the social trends that are doing the most damage to America's children. The health of American families is built upon marriage, and it affects us all.

The Massachusetts Supreme Judicial Court and other local courts have ruled in favor of same-sex marriages. These unsound decisions set a dangerous precedent, and that is why a constitutional amendment is necessary. If enacted, it will effectively ban these illegitimate marriages nationwide.

This definition of marriage is not intended to be discriminatory but rather to uphold the sanctity of marriage as an institution. The Marriage Protection Amendment removes the definition of marriage from the hands of the courts and returns this decision to the American people, where it belongs. The Massachusetts decision represents the beginning of what could be a dangerous erosion of this sacred tradition that we must protect.

Will we put our faith in a few unelected activist judges seated on a bench to define marriage, or will we use the most democratic process we have to affirmatively define marriage as it is intended? We must protect the sanctity of marriage now.

I encourage my colleagues to vote ''yes'' on the rule and support the Marriage Protection Amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, with all due respect to my beloved colleagues, what if a man and a woman have a partnership which does not produce children? Is their marriage invalid? Is it less sacred? And the use of the word ''illegitimate'' here is a little troubling because I thought we dispensed with those kinds of references as we became more enlightened.

It is easy to take a stand for the institution of marriage in the abstract, but try doing it in your own life and that becomes a little more complex. It is far easier to tell others how they should live and whom they should be permitted to marry. The science of human relations requires humility. Whether in the heights of unity or the depths of divorce, our relationships, our companionships, our partnerships, are our greatest teachers. Our relationships are also a sphere of influence which should be free from government interest or interference.

Government does not belong in the bedroom or secretly listening on your phone, reading your books, reviewing your e-mails. Government does not have a rightful role in determining who you should love, who should love whom, and therefore enter into the formalization of a civil marriage contract.

We do not often quote from the Declaration of Independence here, but I think it would be useful if I recited some words that are instructive at this moment:

''We hold these truths to be self-evident, that all men,'' and we know now all people, ''are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.''

Thomas Jefferson went on to write that governments are created to secure these rights. I might add that this government was not created to crush those rights.

Today, with a proposed constitutional amendment defining marriage, we would establish a law which would be at odds with the 14th amendment, which guarantees equal protection of the law. What is next? Amend the Pledge of Allegiance to take out the words ''with liberty and justice for all''? What is next? Recarve the dais in front of us here, which has words carved into wood, and I will read them for those who are not able to see them: words carved below the Speaker: ''Tolerance,'' ''Justice,'' ''Union,'' ''Liberty''? Do we just take that apart?

□ 1045

Move it? Leave it blank?

You wonder why this Congress is not held in higher regard. I will tell you why. In Iraq, our troops are caught in a crossfire of a civil war which grows more deadly every day. The administration has no exit strategy. Congress does nothing.

In Iran, the Department of Defense is actively preparing for war while the administration sets the stage for negotiations that they intend to fail. Congress does nothing.

In the Middle East, the region stands on the brink of a full-blown war in which there will be no winners. Congress does nothing.

In North Korea, the administration won't negotiate with North Korea, while North Korea is thumbing its nose at the international community. Congress does nothing.

Here at home, you want to talk about a threat to the institution of marriage? 45 to 50 million people are without health insurance; bankruptcies at a record level; people in home foreclosures. Let's talk about a threat to the institution of marriage. Congress is doing nothing about any of that.

Today, in a shameless attempt to divert, distract, and distort from the lackluster performance of this Congress, the House is set to write discrimination into the U.S. Constitution. Iraq, Iran, the Middle East, North Korea, health care, gas prices, the minimum wage? No, the most pressing issue in America is gay marriage.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Ohio is concerned and says, what next? Is the Congress going to take out from the Pledge of Allegiance ''with liberty and justice for all''? I say to my friend from Ohio, no. Later on this week we will have the opportunity to defend ''one Nation under God'' and keep the Federal judiciary from taking that out.

Mr. Speaker, I yield 2¼ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Georgia for yielding.

Mr. Speaker, I rise today to defend traditional marriage. It is hard to believe that we have come to such a time in our country that we must even debate this basic American value.

Marriage is defined as the union between one man and one woman. Some may question whether or not this issue warrants a Federal debate and Federal action. Unfortunately, certain courts in this land have answered that question as ideological judges threaten to undo the very fabric of our families by imposing their opinions and policies as the final say on what marriage means.

Mr. Speaker, families matter, because fathers and mothers matter. They are not interchangeable. Literally hundreds of studies point to the crucial nature of mothers and fathers rearing children within the bonds of traditional marriage. Every deviation from the ideal model of enduring monogamous marriage between a man and a woman expands those boundaries; and when we push these limits, who is to say where the definition of marriage will end?

Government and societies have granted certain institutional benefits and privileges to heterosexual marriage because these unions have the biological potential to provide societies with a tangible benefit, children.

Mr. Speaker, redefining marriage to include same-sex unions not only devalues marriage, but it diminishes the rights of children. Nature itself gave children this right.

I wish that this fight here today was not necessary. We did not ask for it. But failure to enact a constitutional amendment will mean that the decisions made by the American people at the ballot box and through their elected representatives regarding marriage will continue to be overruled, bit by bit, by a few renegade judges and local officials. Unfortunately, when judges distort the Constitution to overrule the express will of the people, only constitutional amendments can overturn the judges.

Mr. Speaker, the people in the Eighth District of North Carolina have clearly and repeatedly asked me to defend traditional marriage, to do whatever it takes to ensure that the people have the final say. That is why I rise here today, convinced that this constitutional amendment is the right thing to do.

The time is now. Let's give American moms and dads the chance to protect marriage. I urge a ''yes'' vote on the rule and the Marriage Protection Amendment.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KUCINICH. Mr. Speaker, the 14th amendment, section 1, says that no one shall be denied equal protection of the laws. Now, if this would pass, would this legislation, this constitutional amendment, supersede that provision of the 14th amendment and make that provision of the 14th amendment null and void?

The SPEAKER pro tempore. It is not the province of the Chair to interpret the pending measure or to construe its relationship to the Constitution. Those are matters to be elucidated by Members in debate.

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

Mr. Speaker, I would like to insert into the RECORD at this time an article that appeared in the Economist magazine entitled ''The Case For Gay Marriage.''

I will insert into the RECORD an executive summary of the Cato Institute's policy analysis entitled: ''The Federal Marriage Amendment: Unnecessary, Anti-federalist and Antidemocratic.''

I would also like to insert into the RECORD a letter from the Human Rights Campaign in opposition to the bill before us, a letter from the American Jewish Committee in opposition to the bill before us, a letter from the National Council of Jewish Women in opposition to the bill before us, and a letter from the Leadership Conference on Civil Rights in opposition to the bill before us.

[From the Economist print edition, Feb. 26, 2004]

THE CASE FOR GAY MARRIAGE

IT RESTS ON EQUALITY, LIBERTY AND EVEN SOCIETY

So at last it is official: George Bush is in favour of unequal rights, big-government intrusiveness and federal power rather than devolution to the states. That is the implication of his announcement this week that he will support efforts to pass a constitutional amendment in America banning gay marriage. Some have sought to explain this action away simply as cynical politics, an effort to motivate his core conservative supporters to turn out to vote for him in November or to put his likely ''Massachusetts liberal'' opponent, John Kerry, in an awkward spot. Yet to call for a constitutional amendment is such a difficult, drastic and draconian move that cynicism is too weak an explanation. No, it must be worse than that: Mr. Bush must actually believe in what he is doing.

Mr. Bush says that he is acting to protect ''the most fundamental institution of civilisation'' from what he sees as ''activist judges'' who in Massachusetts early this month confirmed an earlier ruling that banning gay marriage is contrary to their state constitution. The city of San Francisco, gay capital of America, has been issuing thousands of marriage licences to homosexual couples, in apparent contradiction to state and even federal laws. It can only be a matter of time before this issue arrives at the federal Supreme Court. An those ''activist judges'', who, by the way, gave Mr. Bush his job in 2000, might well take the same view of the federal constitution as their Massachusetts equivalents did of their state code: that the constitution demands equality of treatment. Last June, in Lawrence v. Texas, they ruled that state anti-sodomy laws violated the constitutional right of adults to choose how to conduct their private lives with regard to sex, saying further that ''the Court's obligation is to define the liberty of all, not to mandate its own moral code''. That obligation could well lead the justices to uphold the right of gays to marry.

LET THEM WED

That idea remains shocking to many people. So far, only two countries—Belgium and the Netherlands—have given full legal status to same-sex unions, though Canada has backed the idea in principle and others have conferred almost-equal rights on such partnerships. The sight of homosexual men and women having wedding days just like those enjoyed for thousands of years by heterosexuals is unsettling, just as, for some people, is the sight of them holding hands or kissing. When The Economist first argued in favour of legalising gay marriage eight years ago (''Let them wed'', January 6th 1996) it shocked many of our readers, though fewer than it would have shocked eight years earlier and more than it will shock today. That is why we argued that such a radical change should not be pushed along precipitously. But nor should it be blocked precipitously.

The case for allowing gays to marry begins with equality, pure and simple. Why should one set of loving, consenting adults be denied a right that other such adults have and which, if exercised, will do no damage to anyone else? Not just because they have always lacked that right in the past, for sure: until the late 1960s, in some American states it was illegal for black adults to marry white ones, but precious few would defend that ban now on grounds that it was ''traditional''. Another argument is rooted in semantics: marriage is the union of a man and a woman, and so cannot be extended to same-sex couples. They may live together and love one another, but cannot, on this argument, be ''married''. But that is to dodge the real question—why not?—and to obscure the real nature of marriage, which is a binding commitment, at once legal, social and personal, between two people to take on special obligations to one another. If homosexuals want to make such marital commitments to one another, and to society, then why should they be prevented from doing so while other adults, equivalent in all other ways, are allowed to do so?

CIVIL UNIONS ARE NOT ENOUGH

The reason, according to Mr. Bush, is that this would damage an important social institution. Yet the reverse is surely true. Gays want to marry precisely because they see marriage as important: they want the symbolism that marriage brings, the extra sense of obligation and commitment, as well as the social recognition. Allowing gays to marry would, if anything, add to social stability, for it would increase the number of couples that take on real, rather than simply passing, commitments. The weakening of marriage has been heterosexuals' doing, not gays', for it is their infidelity, divorce rates and single-parent families that have wrought social damage.

But marriage is about children, say some: to which the answer is, it often is, but not always, and permitting gay marriage would not alter that. Or it is a religious act, say others: to which the answer is, yes, you may believe that, but if so it is no business of the state to impose a religious choice. Indeed, in America the constitution expressly bans the involvement of the state in religious matters, so it would be especially outrageous if the constitution were now to be used for religious ends.

The importance of marriage for society's general health and stability also explains why the commonly mooted alternative to gay marriage—a so-called civil union—is not enough. Vermont has created this notion, of a legally registered contract between a couple that cannot, however, be called a ''marriage''. Some European countries, by legislating for equal legal rights for gay partnerships, have moved in the same direction (Britain is contemplating just such a move, and even the opposition Conservative leader, Michael Howard, says he would support it). Some gays think it would be better to limit their ambitions to that, rather than seeking full social equality, for fear of provoking a backlash—of the sort perhaps epitomised by Mr. Bush this week.

Yet that would be both wrong in principle and damaging for society. Marriage, as it is commonly viewed in society, is more than just a legal contract. Moreover, to establish something short of real marriage for some adults would tend to undermine the notion for all. Why shouldn't everyone, in time, downgrade to civil unions? Now that really would threaten a fundamental institution of civilisation.

[From Policy Analysis, June 1, 2006]

THE FEDERAL MARRIAGE AMENDMENT UNNECESSARY, ANTI-FEDERALIST, AND ANTI-DEMOCRATIC

(By Dale Carpenter)

EXECUTIVE SUMMARY

Members of Congress have proposed a constitutional amendment preventing states from recognizing same-sex marriages. Proponents of the Federal Marriage Amendment claim that an amendment is needed immediately to prevent same-sex marriages from being forced on the nation. That fear is even more unfounded today than it was in 2004, when Congress last considered the FMA. The better view is that the policy debate on

same-sex marriage should proceed in the 50 states, without being cut off by a single national policy imposed from Washington and enshrined in the Constitution.

A person who opposes same-sex marriage on policy grounds can and should also oppose a constitutional amendment foreclosing it, on grounds of federalism, confidence that opponents will prevail without an amendment, or a belief that public policy issues should only rarely be determined at the constitutional level.

There are four main arguments against the FMA. First, a constitutional amendment is unnecessary because federal and state laws, combined with the present state of the relevant constitutional doctrines, already make court-ordered nationwide same-sex marriage unlikely for the foreseeable future. An amendment banning same-sex marriage is a solution in search of a problem.

Second, a constitutional amendment defining marriage would be a radical intrusion on the nation's founding commitment to federalism in an area traditionally reserved for state regulation, family law. There has been no showing that federalism has been unworkable in the area of family law.

Third, a constitutional amendment banning same-sex marriage would be an unprecedented form of amendment, cutting short an ongoing national debate over what privileges and benefits, if any, ought to be conferred on same-sex couples and preventing democratic processes from recognizing more individual rights.

Fourth, the amendment as proposed is constitutional overkill that reaches well beyond the stated concerns of its proponents, foreclosing not just courts but also state legislatures from recognizing same-sex marriages and perhaps other forms of legal support for same-sex relationships. Whatever one thinks of same-sex marriage as a matter of policy, no person who cares about our Constitution and public policy should support this unnecessary, radical, unprecedented, and overly broad departure from the nation's traditions and history.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the Human Rights Campaign (''HRC''), our nation's largest civil rights organization promoting equality for gay, lesbian, bisexual and transgender (''GLBT'') Americans, I write to urge you to vote no on H.J. Res. 88, a proposed amendment to the United States Constitution that would write discrimination into our Constitution and brand lesbian and gay families as second-class citizens in every state in our nation.

Our Constitution was written to promote liberty, equality, and fairness. ''We, the people'' means all of the people. By singling out a group of Americans for unequal treatment, the federal marriage amendment (''FMA'') would undermine the guiding principles of our Constitution. Constitutional amendments have expanded rights for Americans, including voting rights, religious liberty, and equal protection. Discrimination has no place in our nation's founding document.

The proposed amendment's supporters and drafters disagree over whether it would ban the civil union and domestic partnership protections that several states and cities have extended to same-sex couples. Sixty percent of Americans agree that all families should be able to protect one other in times of crisis, whether to take care of a sick family member, share retirement savings, of make important decisions on the death of a partner. The FMA could render laws that provide these protections unconstitutional, hurting real American families.

Americans prioritize fairness over discrimination. Congress should focus on fairness, and abandon the divisive politics behind the FMA. With gas prices rising and issues related to health care and education on the minds of Americans, Congress should not be spending its time seeking to discriminate against a group of Americans and treating them differently under the law in our Constitution.

Your ''no'' vote on the FMA is a vote against discrimination and for the values that belong in our Constitution: liberty, equality, and fairness.

Thank you for your consideration. If you have any questions, or need more information, please contact David Stacy at 202.572.8959 or Lara Schwartz at 202.216.1578.

Sincerely,

JOE SOLMONESE,
President.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, July 17, 2006.

Re: Marriage Protection Amendment (H.J. Res. 88)

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Marriage Protection Amendment (H.J. Res. 88). If passed, this legislation would amend the U.S. Constitution to provide that marriage in the United States shall consist only of the union between a man and a woman. The amendment would also prevent both the federal and state constitutions from being interpreted to require that marriage or the legal incidents thereof shall be conferred upon any union other than the union of a man and a woman.

The Marriage Protection Amendment would mark the first time the Constitution has been amended to include discrimination. It is a threat to the fundamental rights of many Americans and would only serve to enshrine discrimination in our social fabric.

Moreover, the Marriage Protection Amendment would imperil civil union and similar provisions that have been adopted in some states. While AJC takes no position on state recognition of same-sex marriage per se, AJC believes that same-sex couples who choose to enter into domestic arrangements such as civil unions should be afforded the same legal rights, benefits, protections and obligations conferred upon heterosexual couples who enter into civil marriage.

We therefore urge you to oppose H.J. Res. 88 in order to protect against enshrining discrimination in the Constitution.

Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF JEWISH WOMEN,
July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing in opposition to the federal marriage amendment (H.J. Res 39). The federal marriage amendment also threatens fundamental constitutional rights such as religious liberty and domestic violence protections.

A ban on same-sex marriage would set a dangerous precedent by amending the Constitution to restrict the rights of a specific class of people. Furthermore, the proposed language is vague and would consequently jeopardize existing state recognized civil unions. To deny couples in committed relationships the same legal benefits accorded spouses in heterosexual marriages is prejudicial, morally offensive, and goes against the spirit of a free democracy.

Passage of the vague language within H.J. Res. 39 would also have broader consequences for all unmarried Americans. For instance, in Ohio, the media reports that some people are losing the protection of domestic violence laws based on that state's marriage amendment. The federal marriage amendment, which has almost identical language, would create similar ambiguities that would endanger protections for non-married victims, potentially reduce criminal penalties, and invalidate many state and local statues. This law would inadvertently help those who hurt others by complicating established laws in place to protect victims of violence.

In addition, the passage of H.J. Res. 39 would jeopardize religious liberty. To date, no administrative or judicial decision in any state or locale requires a religious group to perform any marriage against its will. The proposed amendment, on the other hand, would impose a single, religious definition of marriage upon the entire nation. Central to religious autonomy is the ability to choose who can take part in important religious rituals or services, including marriage. For the government to interfere in this process and show preference to one particular religion's point of view would significantly undermine the separation of religion and state.

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such, we believe that gay and lesbian individuals should have the constitutional right to affirm and protect their relationships through marriage. We endorse laws that would provide equal rights for same-sex couples.

Enshrining discrimination in a document whose purpose is to safeguard rights and freedoms is wrong. I urge you to vote to defeat this bill.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
WASHINGTON, DC, JULY 14, 2006.

Oppose the ''Federal Marriage Amendment'' (H.J. Res. 88) Don't Write Discrimination into the Constitution

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we strongly urge you to oppose the ''Federal Marriage Amendment'' (H.J. Res. 88), a radical proposal that would permanently write discrimination into the United States Constitution. LCCR believes that this highly divisive amendment is a dangerous and unnecessary approach to resolving the ongoing debate over same-sex marriage, and that it would turn 225 years of constitutional history on its head by requiring that states actually restrict the civil rights of their own citizens.

As a diverse coalition, LCCR does not take a position for or against same-sex marriage. The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, LCCR strongly believes that there are right and wrong ways to address the issue as a matter of public policy, and is extremely concerned about any proposal that would alter our nation's most important document for the direct purpose of excluding any individuals from its guarantees of equal protection.

The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in

history, the Constitution would be altered to be used as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

Constitutional amendments are extremely rare, and are only done to address great public policy needs. Since the Bill of Rights' adoption in 1791, the Constitution has only been amended seventeen times. LCCR believes that the Bill of Rights and subsequent amendments were designed largely to protect and expand individual liberties, and certainly not to deliberately take away or restrict them.

LCCR is particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their animus towards gays and lesbians. The attacks made by many of the most vocal proponents, such as the Traditional Values Coalition and the American Family Association, are disturbingly similar to the sorts of attacks that have been made upon other communities as the have attempted to assert their right to equal protection of the laws. This is, of course, an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of the Federal Marriage Amendment cite ''judicial activism'' as a reason to enact it. Terms like ''judicial activism'' are alarming to LCCR and the civil rights community because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous Supreme Court decision in Brown v. Board of Education (1954), for example, defenders of segregation cried ''judicial activism'' across the South and across the country. Many groups and individuals demanded that Congress ''impeach Earl Warren.'' The Supreme Court's ruling in Loving v. Virginia (1967), which invalidated a state anti-miscegenation law, resulted in similar attacks. Fortunately, our nation avoided taking any radical measures against the so-called ''judicial activists'' or their decisions, and we believe a similar level of caution is warranted in this case.

At a time when our nation has many great and pressing issues, Congress can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We implore you to focus on the critical needs facing our nation, and to publicly oppose this amendment. If you have any questions or need further information, please contact Rob Randhava, LCCR Counsel, at (202) 466–6058, or Nancy Zirkin, LCCR Deputy Director, at (202) 263–2880. Thank you for your consideration.

Sincerely,

Leadership Conference on Civil Rights

A. Philip Randolph Institute, American Association of People with Disabilities, American Civil Liberties Union, American Humanist Association, American Jewish Committee, Americans for Democratic Action, Americans United for Separation of Church and State, Anti-Defamation League, Asian American Justice Center (formerly known as NAPALC), Asian Pacific American Labor Alliance, AFL–CIO, Association of Humanistic Rabbis, Bazelon Center for Mental Health Law, Central Conference of American Rabbis, Citizens' Commission on Civil Rights, Disability Rights Education & Defense Fund, Friends Committee on National Legislation, Global Rights, Hadassah, the Women's Zionist Organization of America, Human Rights Campaign, Jewish Labor Committee.

Korean American Resource & Cultural Center (KRCC), Korean Resource Center (KRC), Lambda Legal, League of United Latin American Citizens, League of Women Voters of the United States, Legal Momentum, Metropolitan Washington Employment Lawyers Association, Mexican American Legal Defense and Educational Fund, National Alliance of Postal and Federal Employees, National Association for the Advancement of Colored People (NAACP), National Association of Human Rights Workers, National Association of Social Workers, National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Lawyers Association, National Gay and Lesbian Task Force, National Jewish Democratic Council, National Korean American Service & Education Consortium (NAKASEC).

National Partnership for Women & Families, National Urban League, National Women's Law Center, People For the American Way, PFLAG National (Parents, Families and Friends of Lesbians and Gays), Planned Parenthood Federation of America, Project Equality, Inc., Retail, Wholesale and Department Store Union, UFCW, Service Employees International Union (SEIU), Society for Humanistic Judaism, The Interfaith Alliance, Union for Reform Judaism, Unitarian Universalist Association of Congregations, United Church of Christ Justice and Witness Ministries, United Food and Commercial Workers International Union, United States Student Association, Women Employed, Workmen's Circle/Arbeter Ring, YWCA USA.

Mr. Speaker, let me also just say in response to some of the speakers who have come before us who have talked about gay marriage as somehow going against the will of the people, I will tell you that in Massachusetts, where gay marriage has been legal now for over 2 years, I think the majority of the people are absolutely fine with it. Over 8,000 gay couples have been married, and life goes on. Nothing has changed. The only thing that has changed is that people in gay relationships can enjoy the same rights and privileges and responsibilities as those who are in heterosexual relationships.

I would also say to my colleagues that if you are so worried about defending the institution of marriage, then I think we should all worry about our own marriages. In Massachusetts, I should point out for the record that we have the lowest divorce rate in the country. So maybe we know something about marriage that maybe you don't.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Massachusetts I am sure is aware of the fact that in his State, opponents have gathered 170,000 signatures supporting a constitutional amendment they hope would end gay marriage, despite what their supreme court did.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, we must defend traditional marriage. Marriage, family and community are not catch phrases. They are the backbone of our American society. Sadly, however, there is an organized effort by judicial activists and the radical left in this country to destroy our traditional American culture.

The Federal Marriage Amendment provides a national definition of marriage and leaves marriage laws to the State legislatures. It adds a layer of protection against court-imposed arrangements other than marriage and protects States from being forced to recognize same-sex unions created by other States.

Years of social science evidence confirms that children respond best when their mom and dad are married and live in the home. That is why it is important that we defend traditional marriage and this traditional notion of family law that emphasizes the importance of the foundational principle of family and to address the needs of children in the most positive and effective way.

We must defend what is sacred in our Nation against reckless actions of a dangerous few who seek to impose their liberal lunacy on our society. That is why we must fight for families, and this is a war worth fighting.

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

Mr. Speaker, let me say that I used to think that what was sacred in this country was defending civil rights and civil liberties and fighting against discrimination. Apparently I am mistaken, based on the comments that I have just heard.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman and rise this morning in strong opposition to the rule before us. I hope later today to return to the floor and address the substance of Federal Marriage Amendment. But now I want to speak to this process, because by bringing up this unnecessary and divisive amendment to write discrimination into the Constitution, the leadership of this House once again illustrates just how out of step Congress is with the rest of America.

With the defeat of the amendment in the Senate a mere 5 weeks ago, this legislation should have never reached the floor of the House. Yet, unsurprisingly, politics is prevailing over common sense, and today we are going to be hearing a lot of hurtful political rhetoric targeting gay and lesbian families, all for the purpose of pandering to a narrow political base.

Mr. Speaker, America faces great challenges, both at home and abroad. We are confronted with record high gas prices, an endless and expensive war in Iraq, skyrocketing health care costs, and a growing international crisis in the Middle East and North Korea. But the Federal Marriage Amendment allowed under this rule, of course, does nothing to address these very pressing challenges.

At a time of such great tests confronting our Nation, America's leaders should be uniting, rather than dividing, our country. But the FMA does exactly the opposite of that, and it certainly puts politics ahead of real progress.

The Federal Marriage Amendment is also unnecessary. Since 2004, States around the country have been addressing the issue of gay marriage through the normal legislative and governmental process. Today, Massachusetts remains the only State that allows gay marriage. But several other States, including Vermont, Connecticut and California, have passed laws granting civil union protections for same-sex couples. Those laws would certainly be threatened if this amendment were to pass.

The proposed FMA limits the ability of States to confer protections such as important rights like hospital visitation rights, health insurance and broader civil union or domestic partnership protections on unmarried couples, and it undermines our federalist tradition of deferring to the States to regulate the institution of marriage.

Mr. Speaker, many Americans are struggling with the issue of same-sex marriage on a personal level today. There is a vibrant debate going on across our Nation, in church basements, in break rooms, in dining rooms. This debate would be completely shutdown and stifled if this amendment were to pass.

Our Constitution, the most cherished document embodying the American Dream of life, liberty and the pursuit of happiness, should not be amended to single out and deny the rights of any one group of Americans. This divisive, hateful, and unnecessary amendment is unworthy of our great Constitution that has been the foundation of our great Nation.

I urge my colleagues to reject this rule and to vote against the amendment.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to point out to the gentlewoman from Wisconsin that 45 States currently define marriage as a union of one man and one woman or expressly prohibit same-sex marriages; and those 45 States we are talking about, Mr. Speaker, include 88 percent of the population of this country. We are not just talking about Georgia. The fact is in a constitutional amendment, three-fourths of the States will have to ratify it.

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

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. If all these States are doing what you want them to do, why do we need a Federal constitutional amendment?

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is because of these activist judges who are chipping away at the will of the people.

Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of the definition of a marriage as between one man and one woman. I think really what we are doing on the floor today is determining how America will define itself. Thousands of years and many civilizations have defined a marriage as the union between one man and one woman. With few exceptions, those civilizations that did not follow that perished.

Forty-five States, as the gentleman just said, have determined by people that were elected by the people of that State that marriage is the definition of one man and one woman. So, today, we are really on the floor to debate whether America will continue to define itself and the definition of marriage on a godly institution that was established thousands and thousands of years ago that one man and one woman would come together and become one and produce families, families that all across America have said that the definition of marriage is between one man and one woman.

I urge my colleagues today to define America as a moral country.

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Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from Massachusetts for yielding me time.

Mr. Speaker, you know we have a conflagration in the Middle East today as we speak. We have raised the debt ceiling four times to over $9 trillion, and we are going to pass it all on to our kids. And yet this is how the Republican congressional leadership chooses to spend its time.

Nobody's marriage is endangered. What this is really about and what this amendment should be entitled is the ''Gay Discrimination Act.'' That is all it is. And what is its motivation? It is a crass political attempt to divide America in an election year. That is what this is all about. We know it. And I suspect a lot of the American people know it as well.

What every American should find most objectionable is that you are using the Constitution to do this. Our Founding Fathers put together the Constitution and the Bill of Rights in order to protect and enhance individual rights and liberties. And this goes directly counter to what our Constitution is all about by prohibiting individual rights and limiting States rights.

They talked about life, liberty and the pursuit of happiness. And, yet, all you can think about is ways to make life more difficult for people who do not fall into the mainstream of America. That is not what America is about. This amendment needs to be defeated and we need to stand up for human rights, for civil rights, and for States rights.

We know it is never going to get enacted. But we should not be spending our time talking about it. We should not be spending our time trying to seek political gain at the expense of people who want to live committed lives with each other. That is not endangering anybody. Defeating this amendment is what our Founding Fathers wanted America to be about.

Mr. Speaker, I rise today in opposition to the Federal Marriage Amendment, and I do so for one simple reason—the United States Constitution must never be allowed to expressly authorize, indeed to expressly direct, discrimination against a group of individuals that is based upon their shared personal characteristics

Mr. Speaker, this amendment shouldn't be called the Marriage Protection Amendment. It isn't needed to strengthen or enhance the institution or traditional marriage in this country.

Call it what it is—it's the Anti-Gay Marriage Amendment, for it is intended to deny gay and lesbian Americans, solely on the basis of their orientation, the ability to maintain the same kind of committed relationships that every other adult in the country is entitled to.

This is discrimination in its rankest form.

The amendment is the first of its kind, for it seeks to change the Constitution, not to prohibit, but to authorize a specific form of discrimination.

And it does this by forever preventing the states from extending the rights and protections of marriage to a certain class of citizens.

States would be denied the right to recognize and afford same sex couples the legal rights and protection that heterosexual couples receive from government, such as the right to receive health benefits and hospital visitations.

Furthermore, those states that have already seen fit to recognize and enact domestic partnership state laws would be preempted by this amendment.

Never, however, has the Constitution, on its face, been amended to deny a specific set of rights to a specific class of citizens.

By approving this measure, the House would be party to act that would stand as an extraordinary affront to the Constitution and, especially, to the Bill of Rights and the fundamental principles and protections it enshrines.

This is not what the Constitution is about; this is not what our country is about. The amendment should be seen for what it is—a crass attempt to politically divide the American public in an election year. It must be soundly defeated, and I urge my colleagues to do so.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to remind the gentleman from Virginia that it is not all about money and how we spend it that we are in this Congress, but it is also about values and how this great country represents them to the world, not the least of which is the Middle East.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank my colleague also for his point that values are important here in Congress. That is why we are here. So I rise in support of the rule and support of the amendment.

In 1996, we passed in Congress the Defense of Marriage Act, DOMA, so this is not a new issue, back in 1996 to protect the institution of marriage.

Unfortunately, DOMA does not go far enough to protect States from courts that choose to drastically alter marriage laws. This amendment is greatly supported, greatly supported by the majority of Americans. As pointed out earlier, 20 States, 20 States voted and elected to define marriage as between a man and a woman by overwhelming majorities.

On average, these States have approved constitutional amendments with 70 percent approval ratings. Additionally, 23 other States have enacted laws that similarly limit marriage to unions between a man and a woman, and my State is among them, Florida. Yet, not one State, I say to my colleagues over there, not one State has chosen by popular vote to permit marriages between homosexuals. Explain that to me. Why, if there is so much concern over there, why a State has not permitted it?

Without this amendment, activist judges would be able to force recognition of same-sex marriage upon States that have democratically voted not to sanction these unions. This is a miscarriage of judicial power. I urge my colleagues to support the democratic process and support the Federal marriage amendment.

Mr. MCGOVERN. Mr. Speaker, just for the record, there is no Federal challenge at this time in any Federal court to DOMA. So that not is not even an issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I probably perform more marriages than all of the other Members in this body, collected. When I perform a wedding in Los Angeles in August, it will push me over the 400 mark for my career as an ordained United Methodist pastor.

I am baffled over what is taking place on this floor. When Rome ruled the world, every now and then Roman soldiers had to go back to Rome and pledge loyalty to the Emperor. It was called sacramentum. In my tradition, the Christian tradition, we took that word to use as our word sacrament, our pledge of loyalty to God.

The generic marriage ceremony, which almost every denomination uses, begins by saying, marriage is an honorable estate instituted by God and signifies to all the uniting of this man and this woman in His church.

The point, Mr. Speaker, is that the domain of the church is the place where definitions should be made with regard to marriage. Every denomination has struggled or is struggling with this issue. The United Methodist Church voted last year not to allow same-sex marriages. The Episcopalian Church voted to do the same.

I resent a body of legislators telling me, a member of a denomination, that they will decide who can and who cannot get married. It is the responsibility of the church not the Government. If the Government is going to become involved in this sacrament, then why not communion? Why does the Congress not then begin to deal with how many times a month a church should do communion?

Friends, this is the saddest day for me since I have been here, because I can see clearly that this body is willing to trespass on the domain of God. Marriage is a holy institution. It was created by God. And we say in my tradition that Jesus ordained and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee, not on the floor of Congress.

The church controls this issue. If this body would like to move to have the civil marriages restricted, that is fine. People who want to go to the courthouse, or want to get married on a ship, that is fine. But in terms of the church, keep your hands out of the church.

The church is a sacred institution. I did not come to this floor to make enemies but to make a point. And my point is this. This is off base. This is wrong. I wish we had time to debate the theology of this issue, because I would do it with anybody in this place.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I do not know that I could debate theology with the gentleman from Missouri, as an ordained minister, but I do know a little bit about the sacrament of marriage, Mr. Speaker, as one of about 200 Catholic Members of the United States Congress.

I think God has spoken very clearly, very clearly on this issue. And I would refer the gentleman to Holy Scripture, and what the word says in regard to marriage and the sanctity of marriage. I think it is pretty clear.

The gentleman wants to talk about the fact that this should be a church issue. I agree with you. I wish it were, if it were not for these activist Federal judges and these public officials. I will remind the gentleman from Missouri, the good Reverend, that they will be the one that would be performing these marriages and they would do it to a fare-thee-well.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the argument on the floor that somehow this is a church issue misses this point entirely. We are talking about the legal implications, and whether or not the Government of the United States can recognize a preferential status for marriage between one man and one woman.

Now, is this unprecedented? No, it is not. Read your American history. The State of Utah was not allowed to become a State until they recognized marriage as being only between one man and one woman. That had to do with whether you could have multiple partners.

This is a different aspect of that question, but essentially the legal basis is the same. And that is what we are talking about here. Those who wish to change this, as these activist judges do, carry the burden of arguing why we should change an institution which has stood the test of time for thousands of years.

There are reasons for this in terms of it being the most stable unit of society upon which our society has found itself in need. That is what we are talking about. It is not discrimination. It is allowing the existence of a definition of the most fundamental unit of society. That is it simply. We are not intruding in the province of churches.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, first of all I want to clarify something about the activist judges. Since 1953, since Eisenhower was sworn into office, there have been 23 Federal judges appointed to the U.S. Supreme Court. Of that amount, 17 have been Republicans, 6 have been Democrats. The Court today has 7 Republicans, and 2 Democrats.

I do not know who they are blaming. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I am a cosponsor of this amendment. And I rise today with some serious concerns. First, I am concerned about the use of faith and marriage to score political points. I am also concerned about the scope of the amendment.

First, I will talk about the amendment's scope. In my opinion, the amendment limits its ability to truly protect marriage. As written, the amendment defines marriage between a man and a woman. Sounds good, but I do not think that alone will be good enough to fully protect marriage.

Mr. Speaker, it is my belief that the amendment does not go far enough. If we truly want to protect marriage, we should look and do all the things we must to go after the evils that threaten each and everyone of our marriages. These are the evils of divorce, adultery and abuse.

The amount of divorce that has occurred in this country has become a threat to marriage. What do our children learn when they see their parents getting divorced left and right, only to remarry and get divorced again? What kind of example does it set?

This occurrence clearly undermine the values that are the foundation of every marriage. Of course I am speaking of the commonly recited tenet, ''Till death do us part.'' Marriage is for life. This amendment needs to include that basic tenet.

Therefore, Mr. Speaker, I think we should expand the scope of the amendment to outlaw divorce in this country. Going further, Mr. Speaker, I believe infidelity, adultery, is an evil that threatens the marriage and the heart

of every marriage, which is commitment.

How can we as a country allow adulterers to go unpunished and continue to make a mockery of marriage? Again, by doing so, what lessons are we teaching our children about marriage? I certainly think that it shows we are not serious about protecting the institution and this is why I think the amendment should outlaw adultery and make it a felony.

Additionally, Mr. Speaker, we must address spousal abuse and child abuse. Think of how many marriages end in divorce or permanent separation because one spouse is abusive. And, Mr. Speaker, I personally think child abuse may be the most despicable act one can commit.

This is why if we are truly serious about protecting marriage to the point where we will amend the Constitution, we should extend the punishment of abuse to prevent those who do such a heinous act from ever running for an elected position anywhere.

We should also prevent those who commit adultery or get a divorce from running for office. Mr. Speaker, this House must lead by example. If we want those watching on C–SPAN to actually believe we are serious about protecting marriage, then we should go after the other major threats to the institution, not just the threats that homosexuals may some day be allowed to marry in a State other than Massachusetts, and elected officials should certainly lead by example.

Now for my second concern, Mr. Speaker. As a person of faith who has been blessed with a wonderful marriage of 42 years, I am deeply troubled that some may be using this amendment to score political points with their base.

Why else would we be voting for an amendment that has no chance of becoming law since the Senate has already rejected it? Why else would we vote on an amendment that may not be necessary, when you consider that 45 States have enacted either constitutional or statutory bans on gay marriage? And other States, like my home State of Tennessee, have put such bans on the ballot in November.

Why, too, would Congressional Quarterly in their July 17, 2006 issue, report this amendment is a part of the legislative values agenda rolled out to rally the GOP base in the run-up to the November elections?

Just as one should not take the Lord's name in vain, I also believe a good value for folks is to never undermine religion or marriage by using them to score political points with the base in order to win elections.

In closing, Mr. Speaker, I think it is time for both parties to stop pandering to the bases that live on the political fringes and instead remember that there is one more true base: the American people. The people I represent would be more motivated if we could address the cost of $3 a gallon gasoline, and cut it in half, reduce the cost of health care for a family of four from $1,000 it currently costs for a family, increase the minimum wage from $5.15 to $7.25 an hour, address the illegal immigration, reduce budget deficits and balance our budget.

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Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

My good friend, the gentleman from Tennessee, decried politics, and then he started his remarks about politics. He talked about whether these judges were Republican judges and Democratic judges and gave numbers.

In response to him, we are blaming activist judges, whether they are Democratically appointed or Republican appointees, who are attempting by judicial fiat to redefine our constitutional definition of marriage which has stood for 223 years.

Mr. Speaker, I yield 1¼ minutes to my good friend from Texas, who has been married to his lovely wife for 37 years, Judge John Carter.

Mr. CARTER. Mr. Speaker, I want to thank my colleague from Georgia. We have now made 38.

Mr. Speaker, anywhere in the world today you can wake somebody up in the middle of the night, you pick them, and you say, excuse me, wake up just a second. What is a marriage? They will say a union between a man and a woman.

This is a confused world that we are trying to define here. The reality is marriage has always been a union between a man and a woman. Now, in China they might say a civil union. In Rome they might say a church union, but it has always been a union between a man and a woman.

In my faith, I believe it is part of God's plan for the future of mankind. The sacredness of a marriage is based, to this Nation, and, quite frankly, every Nation on Earth, it is how the base governing we have in our lives starts.

Mr. Speaker, that is why this should be a part of the United States Constitution. When activist judges would go try to change the real world, it is our job to step up and stand up for the moral values of this Nation.

This is why I support this rule, and I support the legislation and the constitutional amendment to follow.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I honor the long-term marriages of my colleagues, all, in this Congress, but this so-called Marriage Protection Amendment isn't about trying to reduce the divorce rate, or it is not about helping married couples work through their problems. This bill is about keeping two adults from making a life-long commitment to each other. With everything that is happening in this world, it seems like this should be the least of our worries.

Mr. Speaker, it is time for the majority party to quit intruding on our private lives and start working on the issues that really matter to the American people and to their families. The American public wants us to work together, to bring our soldiers home from Iraq, to address the rising cost of gas, to raise the minimum wage.

Faced with such important issues, amending the Constitution to decide what we should do in our private lives is nothing more than a cheap stunt.

Mr. GINGREY. Mr. Speaker, I proudly yield 2 minutes now to the gentleman from Kansas (Mr. RYUN), who has been married 37½ years.

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, House Joint Resolution 88, the Marriage Protection Amendment.

It is on behalf of the many families of the Second District of Kansas that I urge my colleagues to give our State legislators the opportunity to ratify the definition of marriage as a union between one man and one woman.

Mr. Speaker, we have reached a point in history where some have forgotten that it is the family, not the government, that is the fundamental building block of our society. This constitutional amendment would be entirely unnecessary were it not for the activist judges who are recklessly imposing their creative definitions of marriage upon citizens within their jurisdiction.

They have assailed the very anchor of family, the marriage between one man and one woman. It seems obvious to me and to 70 percent of Kansans who voted for a State constitutional amendment, that when we have strong families rooted in a marriage between one man and one woman, we give the next generation the best chance for the American Dream. When we have strong families, we have strong schools, stronger communities, and a stronger Nation.

Some would say that my beliefs are simplistic and old-fashioned. But the facts are in, and the facts say there are real consequences when society does not protect marriage and the family. But don't take my word for it. Just ask former President Clinton's own domestic policy adviser, Bill Galston, who wrote, from the standpoint of economic well-being and sound psychological development, the evidence indicates that the intact two-parent family is generally preferable to the available alternatives. It follows that a prime purpose of a sound family policy is to strengthen such families by promoting their formation and retarding their breakdown whenever possible.

Dr. Galston's research indicates what many of us, what we already know through studies, that kids are better off in an intact family that begins with a marriage between one man and one woman. I urge my colleagues to join me in supporting the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as I listen, I am struck anew by the ability of preprogrammed rhetoric to resist the facts. We have heard talk about activist judges, Federal judges. No Federal judge has been involved here. There is not a pending decision that is now in force by a single Federal judge. That doesn't stop people from invoking it, because facts are irrelevant to this kind of rhetoric.

In fact, this amendment is being described in ways that are not accurate. It is not an amendment to prevent judges, activist judges, pacifist judges, any kind of judges, from deciding. It is an amendment to prevent anybody from deciding.

In the State of Massachusetts, we have had same-sex marriage for over 2 years. None of the negative consequences that people have predicted came true.

In consequence, I believe the political community of Massachusetts is prepared to say, if two men love each other and are prepared to be committed to each other legally as well as emotionally, that is rather a good thing and we will say it's okay.

If the voters of Massachusetts, in a referendum in 2008, which we might have, were to ratify same-sex marriage, this amendment would cancel it out. It has nothing to do with activist judges. It has to do with a decision that says no State by any political process can make that decision. The legislature of California, not judges in California, voted to allow two women who love each other to be legally responsible for each other.

That, if it were to be ratified by a Governor after the next election, would be cancelled out. So this is not an amendment about activist judges. This is an amendment that says no State by whatever process, including a referendum, can make this decision.

Why? I also feel strengthened in my advocacy of a cause when people won't tell me their real arguments against it. I think this is motivated, frankly, by a dislike of those of us who are gay and lesbian on the part of those who are the main motivators.

You know, we are told don't take things personally, but I take this personally. I take it personally when people decide to take political batting practice with my life, when people decide that they would demonize, not just me, I am old, I am over it, but young people who are just starting out, who find themselves, for reasons they can't explain, attracted to someone of the same sex, and they are demonized in this House of Representatives as if they are a threat to marriage.

That is the biggest nonsensical statement of all. Yes, marriage between a man and woman who are in love is a good thing. How does allowing two men who love each other to become legally committed endanger these marriages of 37 or 38 years? Let me tell you the logical structure, or the illogical structure, of the argument on the other side.

People will remember the commercial for V8 juice years ago in which a cartoon character who was feeling poorly drank various juices to see if he or she could be energized. None of them worked. Tomato juice didn't work. Apple juice didn't work. Pineapple juice didn't work, and then someone gives him a V8. The cartoon character gets pumped up, literally, and steam comes out of his ears. He is literally now raring to go, because he had a V8.

He says to himself, wow, I could have had a V8. Note for the record, I just smacked myself in the forehead to represent what happened in the commercial. Now, that is apparently the logical structure of same-sex marriages. Apparently there were these 37-, 38-, 42-year-long marriages all over the place.

There are happily married men all over America, and they are content with their wives. They are heterosexual, and they feel this physical and emotional attraction to each other. Then they read in the paper that in the State of Massachusetts it is now possible for there to be a same-sex marriage.

How is a marriage endangered? Apparently, people happily married in Indiana, Nebraska, Kansas, and Mississippi read that we have had same-sex marriage quite successfully in Massachusetts, and they look in the mirror and they say, wow, I could have married a guy.

So, apparently, same-sex marriage is the V8 juice of America. And apparently there are people who fear that knowing that two men who love each other, want to be committed to each other, somehow will dissolve the bonds of matrimony between two heterosexuals, it is, of course, nonsense. I will do my friends the credit of acknowledging that they don't believe it. There is a political motive here. Now, there are people who are genuinely concerned that there would be negative social consequences.

I understand that. I have heard that every time we deal with discrimination, when we dealt with the Americans with Disabilities Act, with gender, with race, with ethnicity, with age. I understand their fears. We have had same-sex marriage in Massachusetts for over 2 years.

Thousands of loving men and women have been able to come together and express their commitment to each other, and no one, not even the most dedicated opponent, has been able to point to a single negative consequence.

So I understand the people who are afraid. We have disproven the fears, and what is left is only dislike of many of us. It simply is not appropriate to score political points by demonizing or seeking to minimize the lives of your fellow citizens.

Mr. GINGREY. Mr. Speaker, I have no other speakers on my side. While I am going to reserve the balance of my time for closing, I want to respond and give myself as much time as I might consume to the gentleman from Massachusetts, for whom, and whose intellect, I have a deep respect. I think he knows that.

Let me just say that Americans are a good and tolerant people. The people of this country believe in equality and freedom, and we respect the rights of individuals to conduct their personal lives as they see fit.

Reasonable people can differ in their views on homosexuality or its causes, consequences, and moral significance. Personally, I think it is a good thing that American citizens who happen to be gay are accorded more tolerance and respect today than was the case 50 years ago.

But I honestly believe that the issue facing us today is not the issue of homosexuality. Most fundamentally, the issue we face today is marriage, the meaning of marriage as an institution and how best to support it. I favor the Federal Marriage Amendment because I want to support the institutution of marriage and keep it strong.

This issue is not, in my humble opinion, about homosexuality.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. This is a question, and I appreciate the civil spirit in which he discusses it. Would the gentleman explain to me does how the fact that two women in Massachusetts who are allowed to be legally committed to each other in any way endanger or threaten marriages between heterosexuals elsewhere?

Mr. GINGREY. Well, in response to the gentleman, again, as I said, it is not an issue of same-sex union.

Mr. FRANK of Massachusetts. But how does it hurt?

Mr. GINGREY. And benefits that are afforded them by many States. The States certainly have the right to prescribe that in regard to issues of consanguinity and the age of consent and benefits for same-sex unions.

But they don't, in my opinion, have the right to redefine the definition of marriage.

Mr. FRANK of Massachusetts. How does it hurt? How does the existence of a same-sex marriage in any way threaten a happy heterosexual marriage?

Mr. GINGREY. Reclaiming my time, I think that the gentlewoman from Colorado and those of us who support this constitutional amendment feel that this is all about marriage that results, or potentially can result, in the procreation of children. This is what our Constitution has implied for 223 years and, indeed, what the word of God has implied for 2,000 years.

With that, I will continue to reserve the balance of my time for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time I have left.

The SPEAKER pro tempore (Mr. BONNER). The gentleman from Massachusetts has 1½ minutes.

Mr. MCGOVERN. Mr. Speaker, I want to agree with my colleague from Georgia (Mr. GINGREY) when he says that the American people are a good and tolerant people. He is absolutely right. Unfortunately, that doesn't extend in terms of the tolerance part of it to a lot of Members of this Chamber.

I mean, we have listened to this debate for nearly an hour now, and we have heard the words from the other side, and they are words of exclusion, and even hate.

□ 1130

We have heard talk about family values. Well, hate is not a family value. Discrimination is not a family value. Exclusion and denying people's rights are not family values.

In Massachusetts, my home State, same-sex marriage is legal. It is legal. Gay couples can go to the town hall, city hall, fill out the forms, pay the application fee and legally get married; 8,000 couples have done so, and everything has stayed the same in Massachusetts. Life goes on.

But what you want to do here today with this amendment is not only prevent other States from acting as Massachusetts has done, but what you are saying to those 8,000 couples is that we want to affirmatively go and take away your rights; we want to null and void your legal rights.

That is shameful. It is insulting. It is discrimination. If your State wants to ban gay marriage, that is your State's right to do so, but the people of Massachusetts have a different opinion, and if the people of Massachusetts want to respect and honor same-sex marriages, that is our business. It should not be the business of the House of Representatives or the United States Senate to go in there and to go against and to void the will of the people of Massachusetts.

Mr. Speaker, this is all about politics here today. The Senate has already defeated this. This is appalling that we are here today. This is about gay-bashing. It is about winning political points. Quite frankly, this is disgraceful.

Mr. GINGREY. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I rise again in support of this rule and in full support of and recognition of the importance of this underlying amendment to our Constitution.

I appreciate each and every one of my colleagues who spoke during the debate on this rule. I fully recognize that many of us will have to simply, yet respectfully, as I said, disagree.

However, Mr. Speaker, I know that I stand today with the citizens of Georgia's 11th Congressional District, as well as the vast majority of Georgia and the Nation's citizens who continue to be outraged by the ability of a few judges to overturn our legal precedent and our traditional family values.

In 2004, the people of Georgia affirmed with a vote of 76 percent to 24 percent that marriage is an institution between one man and one woman, and I proudly count myself among that 76 percent.

I want to close this debate by reminding my colleagues that we have an opportunity today to stem the tide of this judicial activism and to restore the ability of the American people to establish policies that affect them and their lives through their elected Representatives.

Therefore, Mr. Speaker, I encourage my colleagues, please support this rule, and upon the conclusion of general debate, I ask my colleagues to affirm legal and historical precedent and defend our traditions about supporting the underlying amendment to restore the definition of marriage as a union between one man and one woman.

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.

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 918, I call up the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE —

''SECTION 1. This article may be cited as the 'Marriage Protection Amendment'.

''SECTION 2. Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''.

The SPEAKER pro tempore. Pursuant to House Resolution 918, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from New York (Mr. NADLER) each will control 45 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Speaker, in 1996, the United States Congress passed DOMA, Defense of Marriage Act, and the idea behind that was that marriage would be recognized in this Nation as the union of one man and one woman. It was not the first time that the United States Congress had gotten involved in the definition of marriage. Indeed, Mr. LUNGREN had reminded us earlier today that the State of Utah and Arizona and I believe one other Western State, in order to join the Union, needed to define in their State constitution marriage as a union between one man and one woman in order to become States in the United States.

But unfortunately, since 1986, activist courts have eroded the intent of Congress, and so we come today on the House floor with H.J. Res. 88, which reads: ''Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''

The purpose of this is to say that no governmental entity, legislative, executive or judicial, shall be allowed to alter the definition of marriage from one man and one woman, and it also prevents Federal courts from construing the Constitution or a State constitution to change that definition as well.

This, indeed, is the desire of the American people at this point. A recent poll shows that 69 percent of Americans strongly agree that marriage should exist between one man and one woman. The State Constitution amendments on the States that have passed them, which now numbers 45, average by passing 71.5 percent. Forty-five States, Mr. Speaker, have enacted laws about this.

Why is this necessary, then, to come back to the floor if the States are handling it? The fact is that there are great and deliberate challenges to DOMA in the United States Constitution. We can go back to 1965. The Supreme Court in Griswold v. Connecticut discovered a constitutional right to contraceptive noted in marital privacy, and the Court in Roe v. Wade in 1973 decided that the right to reproductive privacy was applied to abortion, wholly outside the context of a marriage.

In 1996, the Court in Bowers v. Hardwick refused to create a right of sexual privacy for same-sex couples, but then, in 2003, the Court reversed itself in the Lawrence v. Texas case. In the Lawrence case, the Court claimed not to have gone so far as to establish a right to same-sex marriage, but then the State of Massachusetts and the Massachusetts Supreme Judicial Court prominently used the Lawrence decision just a few months later to do exactly that.

That is why we are here today, Mr. Speaker. This is not, as we have been charged, political pandering. This is not a frivolous exercise. Indeed, I certainly think this Congress, under the leadership of the Speaker and under the leadership of the President of the United States, has worked hard to address the issues of the day. We have worked hard in the war on terrorism.

We have worked hard in the situation in the Middle East. Indeed, as the President attended the G–8, the number one topic right now is, of course, Lebanon and Israel.

We have worked hard on balancing the budget. This House recently passed the line-item veto. This House has passed earmark reform. The Appropriations Committee, which has passed 10 out of its 11 appropriations bills, has reduced spending $4 billion by cutting out 95 different programs. We are engaged in addressing the fuel situation. We have passed tax reform which has created 5.3 million jobs since 2003.

We are very involved in the issues of today, and I will say to you that marriage is certainly one of the top-tier issues that it is the right and the obligation of the United States Congress to address, and again, not a battle that we have chosen to have but one that has been thrown back to us by the courts.

That is why we are here today, and we will have this debate, and I look forward to hearing from my friend from New York.

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

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

Mr. Speaker, I rise today in support of marriage, in support of families, and in support of national unity. I rise against this proposed constitutional amendment, against the drumbeat of election-year political demagoguery.

This amendment does not belong in our Constitution. It is unworthy of our great Nation. The Senate could not even muster a simple majority to consider it, much less the requisite two-thirds to adopt it.

We have amended the Constitution only 27 times in our history, the first 10 of them, the Bill of Rights, in 1791. Constitutional amendments have always been used to enhance and expand the rights of citizens, not to restrict them.

The Bill of Rights, which was added in 1791, protected freedom of speech, freedom of religion, freedom of assembly, the right to be secure in our homes. Ten amendments protecting individual rights and liberties. We amended the Constitution to permanently wipe away the stain of slavery, to expand the right to vote, to expand the rights of citizenship and to allow for the direct election of senators.

Now we are being asked to amend the Constitution again, to single out a single group and to say to them for all time, you cannot even attempt to win the right to marry.

This amendment was introduced last month. We have never held hearings on it. The Judiciary Committee has never considered it. Never. Don't let anyone tell you that the Judiciary Committee considered it in 2003. We did not. That was a different amendment we considered.

But what is the Constitution between friends when there is an election coming up? From what precisely would this amendment protect marriage? From divorce? From adultery? No. Evidently, the threat to marriage is the fact that there are millions of people in this country who very much believe in marriage, who very much want to marry but who are not permitted to marry.

□ 1145

This amendment, contrary to what we have heard, doesn't block activist courts from allowing people of the same sex to marry. It would also prevent their fellow citizens from deciding democratically to permit them to do so, whether through the legislative process or even through a referendum of the people.

And why is it requisite on Congress to tell any State that the people of that State may not make up their minds for themselves on this question? Why is it necessary for the Federal Government to amend our Constitution to say to Massachusetts, which is going to hold a referendum on this subject in 2008, you may not do so because we have decided this for you?

Mr. Speaker, I have been searching in vain for some indication of what might happen to my marriage, or to the marriage of anyone in this room, if loving couples, including couples with custody of children, are permitted to enjoy the blessings of matrimony.

If there is a Member of this House who believes that his or her own marriage would be destroyed by someone else's same-sex marriage somewhere in America, I would welcome an explanation of what he or she thinks would happen to his or her marriage and why.

Are there any takers? Anyone here who wants to get up and say why they believe their marriage would be threatened if two other people are permitted to marry?

I didn't think so.

The overheated rhetoric we have been hearing is reminiscent of the bellicose fear-mongering that followed the Supreme Court's decision almost 40 years ago in Loving v. Virginia which struck down State prohibitions against interracial marriage. The Supreme Court had overstepped its authority, we were told. The Supreme Court had overridden the democratic will of the majority, the Supreme Court had signed a death warrant for all that is good and pure in this Nation. Fortunately, we survived as a Nation and we are better for that Supreme Court decision.

I believe firmly that in the not-too-distant future people will look back on these debates with the incredulity with which we now view the segregationist debates of years past. I think the public opinion polls are indicative: Opposition to gay marriage is a direct function of age. The older people are, the more set in the ways of the old discriminatory practices of this country they are, the more they oppose gay marriage. If you take a poll of people under 35 years old, 70 to 75 percent are in favor of allowing gay marriage. That is the trend for the future because demographics is destiny.

Mr. Speaker, this amendment actually does more than it purports to do. It would not only preempt any State law allowing people of the same gender to marry, even if that law was approved by the legislature or by referendum, it would preclude any State from extending medical visitation privileges or inheritance rights, for example, to same-sex couples. That is what ''the incidents thereof'' in the amendment means.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack in court domestic-partner benefits. So when they tell you this is only about marriage, don't believe it. No court has required that a marriage in one State be recognized in another, so don't believe anyone who tells you that this amendment is meant to protect your own State laws.

The Defense of Marriage Act which passed this Congress and which the President signed in 1996 says no State can impose its marriage laws on another.

There are many loving families, Mr. Speaker, who deserve the benefits and protections of the law. They don't live just in New York or San Francisco or Boston, they live in every one of the 435 congressional districts of this great country. They are not from outer space, they are not a public menace, and they do not threaten anyone. They are our neighbors, our coworkers, our friends, our siblings, our parents, and our children. They deserve to be treated fairly. They deserve the same rights as any other family.

I regret that this House is being so demeaned by this debate. It saddens me that this great institution would sink to these depths to have what we have already heard on this floor and to what we will hear that amounts to pure bigotry against a minority population, even on the eve of an election.

We know this amendment is not going anywhere. We know this is merely a political exercise. Shame on this House for playing politics with bigotry.

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

Mr. KINGSTON. Mr. Speaker, I would just point out to my good friend from New York that 16 States have recently passed marriage protection amendments, and on an average they have passed by 71.5 percent.

Mr. Speaker, I yield such time as she may consume to the primary author of H.J. Res. 88, the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I thank Speaker HASTERT and Mr. Leader BOEHNER for bringing this bill to the floor. Letters and e-mails and phone calls continue to pour into my office urging me to continue in this effort. We know that polls show that the overwhelming majority of the American people support traditional marriage, marriage between a man and a woman.

The people have a right to know whether their elected Representatives agree with them about protecting traditional marriage.

I cannot think of a better good that this body may pursue than to promote and defend the idea that every child deserves both a father and a mother. Studies demonstrate the utmost importance of the presence of a child's biological parents in a child's happiness, health and future achievements. If we chip away at the institution which binds these parents and the family together, the institution of marriage, you begin to chip away at the future success of that child.

I would not want to negate the heroic job that many single parents do every day in providing the necessary support to a child's happiness. But today we are discussing what social policy is best for our children, and I am convinced that the best is found in promoting and defending traditional marriage.

Are there other important issues? Of course there are, but preserving the institution of marriage, which, as the Supreme Court said many years ago, is ''the foundation of the family and of society, without which there would be neither civilization nor progress,'' certainly warrants a few hours of our time. And even if there are other issues we need to address, as a former Member, one of my favorites, J.C. Watts said, ''Members of Congress are capable of walking and chewing gum at the same time.''

And where are those who say we are wasting time when we were renaming post offices and Federal buildings earlier this year? Mr. Speaker, if we have enough time to rename post offices and Federal buildings, surely we can spend one afternoon debating whether or not the traditional definition of marriage is worth preserving.

Others have asked why we need this amendment given that courts in New York, Georgia, and Nebraska have recently turned back challenges to traditional marriage. I just would like to say these decisions simply do not settle the issues. Cases in New Jersey and Washington, to name only two of many, remain pending.

Additionally, the Massachusetts Supreme Court's Goodridge decision legalizing same-sex marriage in that State continues to stand. Just last week, legislators in Massachusetts put off a measure to give the people the opportunity to decide this issue for themselves. While the Goodridge case remains on the books, court dockets all over the country will continue to be ensnarled with same-sex marriage litigation as opponents of traditional marriage continue to fight to expand their agenda to the rest of the country.

While recent court victories are not unimportant, the ultimate court test, the test in the United States Supreme Court, is still on the horizon. And legal experts agree at least four and probably five of the members of that court will act to overturn traditional marriage across America. That is why most legal experts expect DOMA to fall once a challenge finally reaches the high Court, which is why it would be the very height of foolishness to rely on the Supreme Court to protect marriage. Sadly, that august tribunal is part of the problem. Justice Scalia has already warned us that the Court's 2003 Lawrence decision was only the beginning of a road at the end of which is a radical redefinition of marriage at the hands of the Court.

Does anyone else see the irony in the opponents of this bill calling on us to wait until the Supreme Court rules before deciding this issue? Many of those who protested the loudest that DOMA was unconstitutional when it was enacted in 1996 are today the ones who say we ought to presume DOMA is constitutional until the high Court tells us otherwise.

The American people want us to settle this issue now. They don't want us to wait to see how much havoc the courts will wreak on the definition of marriage before we act to protect it.

Our marriage laws represent centuries of cumulative wisdom regarding the best way to address public concerns about property, inheritance, legal liability and raising children. The last matter is especially important because we now know beyond any reasonable doubt that children thrive best when they are raised in a traditional family. And statistically speaking, the further we go from this ideal, the more we can expect to see increases in measures as a whole host of social problems.

Again, this is not to say that children raised in nontraditional families will necessarily fall prey to these problems, but public policy is based on cumulative, not individual experience. Facts, as it has been said, are stubborn things. And one sad but stubborn fact is that the statistical dice are loaded against children who are raised without a father and a mother.

Some oppose the Marriage Protection Amendment on the grounds that the institution of marriage is already in trouble. Why be concerned, they say, about same-sex marriage when the divorce rate among couples in traditional marriages is so high? But can't you see this is a non sequitur? It is like saying to a doctor, The patient already has pneumonia, so why are you taking precautions to prevent him from getting a staph infection? Yes, traditional marriage has its problems, we all know that, and the high divorce rate is a national scandal. But far from undermining my point, this reinforces it. We are dismayed by the breakup of families because we know broken families lead to more and more children being deprived of the tremendous benefit of having both their mom and dad around to raise them.

Other opponents of this amendment argue that the existence of same-sex marriage in Massachusetts has not caused the earth to stop spinning on its axis, so they ask what is all this fuss about. After only 2 years of experience, it is absurd to suggest that we can even begin to guess how the redefinition of marriage in that State will ramify in the future. And the fact that same-sex marriages in Massachusetts do not directly affect my marriage or your marriage means nothing in regard to the public policy debate. The breakup of the family next door does not directly affect your marriage or my marriage either, but we all recognize that every family that comes apart is a tragedy, and that is why our laws have always sought to encourage, not undermine, traditional families.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, you are the Republican Party in America and what do you do? You have had control of the House of Representatives, you control the Supreme Court, you control the United States Senate, you control the White House. What are you going to do?

Seven million people in America are unemployed.

There are 46 million Americans that don't have health insurance.

The minimum wage hasn't been increased in nearly a decade. The gap between people who are wealthy and people who are poor is getting wider and wider.

We have a war in Iraq that has killed 2,500 Americans, 20,000 Americans have been seriously injured, and a policy going in the wrong direction.

You have a failed prescription drug plan, written by the prescription drug industry behind closed doors, that is confusing seniors. It is going to cost taxpayers $700 billion.

Gasoline is $3 a gallon at the pump.

□ 1200

Global warming is threatening our environment and our health. What are you going to do? Let's have a debate about gay marriage again on the floor of the House.

We are not going to debate an exit strategy in Iraq. We don't have a plan to lower the cost of gasoline. We don't have a plan to provide health care or to give American seniors the ability to buy prescription drugs at a low cost in bulk. Oh, no. Oh no, this is Tuesday in Washington in the House of Representatives, and we are going to debate gay marriage.

This debate is meant to do nothing more than get the American people to look at other issues, ignore gas prices, ignore the unemployment rate. Let's talk about gay marriage.

I am proud to be from Massachusetts and represent 8,000 couples who have been married. And let me tell you about one of the couples in my district, Bonnie Winokar and her partner Mary McCarthy. They have been together for 19 years. But for 17 of those years, Bonnie was unable to provide Mary with the health care benefits that she

was afforded as a high school math teacher. Two years ago they got married and now this happy couple has health insurance. They have coverage. They have family visitation and inheritance rights that every other married couple in America has.

I ask my colleagues, how do Bonnie and Mary threaten other marriages? I don't feel threatened by the 8,000 couples in Massachusetts who have been married. As a matter of fact, I want to tell you something. People in Massachusetts overwhelmingly now realize that approving gay marriage has not in any way negatively impacted heterosexual couples. That is why, overwhelmingly, people in Massachusetts support the SJC decision.

But we ought to keep clear and keep in mind that this debate today is not really about gay marriage. It is about the failure of this administration and this Congress to do the right thing by the American people.

Mr. KINGSTON. Mr. Speaker, I yield 3 minutes to the former attorney general of California, the distinguished DAN LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, where to begin? We have heard the argument that somehow we shouldn't bring constitutional amendments to the floor; we shouldn't amend the Constitution.

It is a very interesting argument when you realize there are two ways to amend the Constitution, one is the formal process that is contained in the Constitution itself, which we are embarking upon today, and the other one is by activist judges.

People don't like to hear that. They seem to say judges have the right to amend the Constitution, to give new meaning to the words of the Constitution, to actually give the opposite meaning to the words of the Constitution and we have to accept that forever, because if we do anything opposed to that, we are somehow changing the Constitution, even though we are following the exact requirements of the Constitution itself.

The second thing that is said is wait a second, no court has declared marriage to be unconstitutional in the traditional sense, so we should wait until that happens. In other words, if we take an anticipatory action, somehow we are unconstitutional.

How have we changed the terms of the debate when we are talking about a traditional definition of marriage that has stood the test of time for thousands of years, has been understood by every single one of our Founding Fathers at the time of the formation of this country, that somehow we are the ones that are upsetting the apple cart; when, in fact, it is those who wish to change this traditional definition in a radical way?

They say, well, the Federal Government should not be involved in it. And yet we pointed out historically the Federal Government has been involved in defining marriage, refusing to allow at least the State of Utah to become a State until they accepted that definition of marriage.

What we are talking about is changing the fundamental vision of marriage that is in our civil structure, a preferential treatment that is allowed under our laws for marriage, understood traditionally. And they say, well, we passed DOMA so you don't have to worry. Yet, many who are saying that argued on the floor of the House that DOMA was unconstitutional. Professor Lawrence Tribe has said it is unconstitutional. Many of the organizations who are against this particular amendment have argued in court that it is unconstitutional and believe it is only inevitable until they overturn it by way of their particular lawsuits brought against it.

So the question here is really, do you believe there is reason to maintain the traditional definition of marriage, allowing it to be the essential unit of our society, not that there aren't other units of society, but the essential unit of our society that has withstood the test of time? That is the simple question before us.

We never asked for this debate. This debate began with, yes, activist judges who said, wait a second, times have changed and, therefore, the traditional notion of marriage is out the window.

Why? Who said so? Because of what?

This is not a question of discrimination as some have argued on the other side, unless they are saying we are discriminating against bigamy and polygamy, because the United States has spoken, as I said before, in saying the traditional definition of marriage is enshrined in our institutions and in our law.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to urge my colleagues to oppose the Federal Marriage Amendment. The Republican leadership clearly doesn't get it. Our country is grappling with skyrocketing gas prices, wars in Iraq and Afghanistan, the constant threat of terrorism, concerns about pension security, and the rising cost of health care insurance.

But instead of addressing these priorities, what does the Republican leadership decide we need to focus on? Gay marriage, of course. As if passing the Federal Marriage Amendment would magically make all of our country's biggest challenges go away.

This resolution is not only a waste of time; it is completely unnecessary. The Senate has already rejected this amendment, so we know that even if the House passes this, the bill is not going anywhere.

Furthermore, 45 States already ban same-sex marriage, either by statute or by their State constitution.

Even more important, passage of this amendment would mark the first time that our Constitution has been amended to take rights away from people. Amending our Constitution to force States to discriminate against a targeted group of Americans would tarnish our history of protecting everybody's equal rights under the law.

I therefore strongly urge all of my colleagues to vote against the Federal Marriage Amendment.

Mr. KINGSTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, the proposed constitutional amendment before us today illustrates exactly why those who wrote the Constitution of the United States went to such extraordinary lengths to ensure that it was a long and arduous task to amend it.

The procedure to pass a constitutional amendment was designed specifically to compel the Nation and its leaders to carefully consider the significant and profound implications such a change could bring. This issue simply fails to meet the threshold of what the Framers called a ''great and extraordinary occasion.'' But of even greater significance is the issue of individual rights. This proposed amendment would be the first time we would amend that document to restrict human freedoms, rather than to protect and expand them.

Let's be honest. This bill has been brought to the House floor by the leadership solely because of election-year politics. The very process by which this bill comes up is an affront to this institution. Like previous attempts, it was not considered by any committee of the House, it was not brought to the floor by the chairman of that committee, rather it was brought by the leadership, who decided to take it upon themselves to do the work of the committees and their chairmen.

Moreover, this same legislation was considered in the Senate, where it didn't even receive a majority vote, much less the required two-thirds for a constitutional amendment. Why then are we rushing to judgment here today? What is the compelling reason to consider this now?

Sixteen States have passed constitutional amendments that would define marriage in their own States as being between a man and a woman. Others, including my own State, are considering such amendments this year. While I may disagree with the voters in my State or any State in adopting such an amendment to their constitution, that is their prerogative, and State constitutions are where they should be considered.

For better than 200 years, family law has been exclusively the domain of the States. That is where it should remain. Vice President CHENEY said exactly this, and I agree with him. The chief crafter of the Defense of Marriage Act of 1996, former Representative Bob

Barr, said as much, and I agree with him. Marriage and divorce, inheritance and adoption, child custody, these are matters correctly left to the States. It does not belong in the Constitution of the United States.

But that is the genius of our Federal system, to allow States to find solutions to issues such as family law which work uniquely for them. The States can pass their own laws, and many have. We should not be in the business of passing a constitutional amendment to make this point. And we certainly should not be tampering with the Constitution to address an ongoing societal dialogue on, admittedly, a very difficult subject.

Amending the Constitution is, thankfully, a difficult task. That cumbersome process has saved us from making ill-advised changes during these past 215 years. It will save us now from this ill-advised action.

We have not used the amending process to limit the rights of citizens. From the first amendment to the 14th, the original Framers and the Congress that followed have sought to expand, to protect the rights of citizens. This would be a unique amendment in that it takes away rights from one group while specifically conferring them upon another. Try to find another provision in the Constitution that does this. You will look in vain.

Mr. Speaker, this Congress and those after should be about protecting and expanding freedoms. This proposed amendment to our Constitution is about discrimination. It is about fear. It is unnecessary. It is unwarranted, and it should be soundly defeated.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in strong support of H.J. Res. 88, the Marriage Protection Amendment.

The debate before us today is about ensuring that the will of the people of the United States is protected.

My home State of South Carolina is one of 45 States that has already enacted laws defining marriage as a union between a man and a woman. Our message is clear: marriage matters, and it should be limited to that of a man and a woman.

So I stand here today wondering why we are faced with the fact that a handful of judges have taken it upon themselves to hand down rulings that redefine marriage for moms and dads and most importantly children across this Nation.

Mr. Speaker, some in this country, elected by no one, believe they have the right to supersede the wishes of my constituents and the constituents of other Members here today.

I urge my colleagues to join me today in supporting the Marriage Protection Amendment ensuring constituents' voices are heard.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished ranking Democrat on the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the Constitution Subcommittee, Mr. NADLER, for his fine work in this area. He hasn't had all that much to do because the bill never came to the Constitution Committee. We never had hearings. We never had a markup. We didn't even have supporters of this amendment yesterday at the Rules Committee which set the rules that allowed it to come to the floor today.

And so I am happy to join in opposition with a number of friends that I would like to indicate. First, the NAACP, which is in convention here in Washington this week, is strongly opposed to this amendment. So is the AFL–CIO and the American Civil Liberties Union, the Jewish Committee, the Human Rights Campaign, the National Council of La Raza, the National Urban League, Planned Parenthood, and countless religious organizations. They are all telling us to leave the Constitution alone.

The other consideration that I would bring to the Members' attention is the far-reaching scope of this amendment that has never been heard in the Judiciary Committee. Not only would it ban same-sex marriages, but it would also deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits.

Ladies and gentlemen, this amendment is divisive. It is unnecessary. It is constitutionally extreme. And I must point out that the amendment has already been debated in the other body and did not prevail. What we are doing, as has been widely recognized, is a political act. It is getting near election time. Let's whip up the forces of conservatism. Let's deal with this subject to energize the political base 4 months before the election.

□ 1215

Ladies and gentlemen, please, the amendment is unnecessary because our Constitution has been amended only 27 times in 219 years and to preserve our right to free speech was one of the objectives, to protect the right to assemble was another objective of a constitutional amendment, the right to vote was subject to constitutional amendment. The right to be free of discrimination was subject to constitutional amendment. They all ensured the integrity and continuity of our government.

So I urge a ''no'' vote on the Musgrave same-sex marriage amendment.

Mr. KINGSTON. Mr. Speaker, I want to point out that, in fact, under H.J. Res. 88, State legislatures can allow same-sex benefits in the unions.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in strong support of the marriage amendment and offer heartfelt thanks and congratulations to the gentlewoman from Colorado (Mrs. MUSGRAVE) for her principled, compassionate, and courageous leadership on this issue from her very first term in Congress.

Mr. Speaker, in the wake of ominous decisions by activist courts across the land, I come to the well today to defend that institution that forms the backbone of our society: traditional marriage. Like millions of Americans, I believe that marriage matters, that it was ordained by God, instituted among men, that it is the glue of the American family and the safest harbor to raise children.

I believe first, though, marriage should be protected, because it wasn't our idea. Several millennia ago the words were written that a man should leave his father and mother and cleave to his wife and the two shall become one flesh. It was not our idea; it was God's idea. And I say that unashamedly on the floor where the words ''In God We Trust'' appear above your chair, Mr. Speaker.

And let me say emphatically that this debate today is not about discrimination. I believe that if someone chooses another life-style than I have chosen, that that is their right in a free society. But tolerance does not require that we permit our courts to redefine an institution upon which our society depends. Marriage matters, according to the researchers. Harvard sociologist Pitirim Sorokin found that throughout history, societal collapse was always brought about following an advent of the deterioration of marriage and family.

And marriage matters to kids. As my Hoosier colleague and friend Vice President Dan Quayle first accurately observed, Mr. Speaker, marriage is the safest harbor to raise children. Sociologists tell us that children raised by married parents experience lower rates of premarital childbearing, illicit drug use, arrest, health, emotional and behavioral problems, school dropout rate, and poverty.

And marriage even matters to adults. A recent 5-year study in 1998 found that continuously married husbands and wives experience significantly better emotional health and less depression than people of other marital status.

Let us say ''yes'' very humbly today to the marriage as traditionally defined. Let us say ''no'' to activist courts bent on redefining it.

Marriage matters, Mr. Speaker. It was ordained by God, instituted in the law. It is the glue of the American family and the safest harbor to raise children. Let us put in that most sacred of documents an affirmation of that institution upon which our society demands.

I urge my colleagues to embrace H.J. Res. 88, the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker I yield 3½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Two years ago this May, people in Massachusetts, my home State, woke up thinking and talking about same-sex marriage like everyone else. You could not avoid it. It was on the cover of every newspaper. It was a national issue.

Now, since then, 9,000 gay and lesbian couples have been married in Massachusetts. And you know what the news flash is? The news flash is that there is not a news flash. The sky has not fallen. The tsunamis have not come. Everyone is going through their daily lives.

Mr. Speaker, the average American family does not wake up every morning worrying about same-sex marriage. Instead, they are worried about the price of gas that they have to put in their vehicle to take their kids to school. They worry about whether their kids are getting a decent education. They worry about health care. They worry about mortgage rates and whether they will ever be able to retire.

And if they are worried about any marriage, I would suggest it is their own. There are plenty of threats to marriage out there today. We are all aware of them. Trying to find time to spend with their families, the pressures of making ends meet, all the challenges that we all know exist. But what is not a threat is gay marriage.

In Massachusetts gay couples are not masterminding acts of terrorism. They are not cutting Medicaid. They are not putting a hole in the Medicare prescription drug program. They are not running up the Federal deficit. They are doing what everyone else does. They are getting through life.

Others have alluded to the constitutional issues. There are States everywhere, Mr. Speaker, that are addressing this through the constitutional means available to them as States, and that is fine. A recent ruling in Massachusetts from the Supreme Judicial Court that entered the famous decision that has provoked some controversy said that if the people of Massachusetts want to overrule the decision of the Massachusetts Supreme Judicial Court, they can via their own State constitutional mechanism. Let them do it if they want to. As others have said, this is an area that has been reserved continually through our jurisprudence to our States.

But, no, it is an election year. We know it is an election year and we know you have to do it. You have got to energize the base. But the American people are not stupid. They see through this. They know what is going to happen.

I remember when the President came to office pledging that he would be a uniter, not a divider. And what we are doing here today is divisive and dividing Americans. Let us experience a sense of tolerance.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, marriage has been under attack for years in America. Regardless of where we look, we have seen a gradual weakening of the institution that historically we have relied on to nurture America's kids.

And while marriage has taken a beating from divorce and other factors, the statistics still show that the best home for kids is still with a mom and dad who are married and love each other. That is the ideal we are talking about here: the best home for kids. By protecting marriage, this amendment promotes such an environment for our kids.

Statistics show children living with their mom and dad are safer, that they are less likely to be abused or neglected, that they have fewer health problems, that they engage in fewer risky behaviors than their peers, that they are more likely to do well in school, that they are better off economically, that they display increased ability to adapt to changing circumstances. Study after study shows us this, Mr. Speaker.

But most Americans do not need a scientific study to tell them that marriage is important for our children and our families. When given the chance to have their voices heard on this issue, they have overwhelmingly come down on the side of protecting marriage. Twenty States have now passed voter referendums to amend their constitution to protect marriage. Six more will have it on the ballot this November. Six more next year. There is a pattern here. Every time the people are actually given a chance to vote on this, they choose to protect marriage overwhelmingly. In more than half of the 20 States, they have amended their constitution with over 70 percent of the vote or more.

These numbers should tell us something, Mr. Speaker. They should tell us that people understand intuitively what studies show us empirically: Marriage is important, it is the foundation of the family and it is the safest harbor to raise children.

This amendment protects marriage from the whims of activist courts that would further undermine this institution by radically redefining its definition. It would see to it that the people have a say on an issue of fundamental importance to our Nation.

It is the right policy, Mr. Speaker, and I urge all my colleagues to support the Marriage Protection Amendment today.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this issue.

I have heard my friends on the other side talk about marriage being under attack. Well, I think it probably is in many sectors. Marriages are under strain today in terms of economics. There are social cross-currents. We see failed marriages. But it is not under attack by our gay and lesbian citizens.

The gay and lesbian citizens I know in my community are dealing with the everyday stresses of their lives, which are actually more difficult than most Americans. They are struggling against discrimination in the workplace. They are struggling against discrimination and in some cases violence directed towards gay and lesbian citizens. And every day gay and lesbian couples in long-term committed relationships, sometimes involving children, have to struggle with the fact that they are not afforded the protections and the resources to be able to deal with the everyday challenges like health care emergencies. That is what they are dealing with. They are not assaulting my marriage or anybody else's. They are trying to deal with a difficult hand that has been dealt to them.

The good news is that we are seeing the changes that are going to make a difference in the long run. The good news is that younger Americans wonder what bizarre episode we are involved with here. They are not peddling discrimination and hate. They have a much more positive and healthy attitude towards their neighbors, their friends, their relations, who happen to be gay and lesbian. The good news is that the States are trying to figure out ways to handle it.

The bad news is that Congress is not part of the solution but is instead pandering politically in something that has already been killed in the other Chamber, that has no chance of passage; going through a ritual that is actually setting us back.

I am confident that in the long run truth and justice is going to prevail. We are not going to be having any assaults on any heterosexual marriages, but we will be dealing with how we are going to provide the necessary protections for our gay and lesbian citizens. That day, sadly, is not today.

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

Mr. NADLER. Mr. Speaker, I now yield 5 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank Mr. NADLER for yielding the time.

At the beginning of every session of Congress, I raise my right hand and state the following oath: ''I, Tammy Baldwin, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

□ 1230

I have felt deep pride in our country and our democracy and particularly in the Constitution itself every time I have taken that oath. But if we were to pass this amendment, it would put a stain on our founding document.

In our democracy since its founding, a basic premise is that in a government by, for and of the people, the people must have the ability to petition their government for the redress of grievances. Americans who wanted women to have the right to vote petitioned their government. Americans who wanted an end to slavery petitioned their government. Americans who wanted an end to child labor petitioned their government. Americans who wanted to end segregation policies petitioned their government. Americans who wanted to protect our environment petitioned their government.

Our constitutional system, the checks and balances between the three coequal branches of government, was created to ensure protection of minority rights, and throughout history many groups of individuals have sought such protection from their government. Today, Americans who want the protection of marriage laws for their same-sex partnerships are in the process of petitioning their government.

The Constitution is for expanding rights, opportunities and aspirations. I want to see the day when I can protect my family, my life partner of 10 years, through the same laws and with the same obligations, responsibilities and rights as can straight Americans. These are my aspirations, both as an American and as a Member of Congress, to see the Constitution that I have sworn to support and protect illuminating a path to justice and equality for more and more Americans.

The amendment we are debating today would do just the opposite. Why would we amend the U.S. Constitution to say that one group of Americans, gay and lesbian Americans, can no longer petition their government for redress of grievances? A healthy and a vibrant debate on same-sex marriage is occurring throughout this Nation at this very time in break rooms, in dining rooms, in church basements. Don't cut it off. It is what democracy is all about.

One State in our Union allows same-sex marriages, several others have passed civil union protections for same-sex couples, and others still are silent on the issue or have passed laws or State constitutional amendments prohibiting same-sex marriage. This is what happens in a democracy when people petition their government for change.

But we also know that this really isn't about the substance. It is about politics. Why else would we be debating and voting on a measure that the Senate has already effectively killed?

You will get your rollcall vote, but shame on you for playing politics with people's families and their lives.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, today I proudly rise in support of House Joint Resolution 88, the Marriage Protection Amendment.

Today, Mr. Speaker, 45 out of 50 States have enacted laws defining marriage as a union between a man and a woman. That is 90 percent of the States, and these States contain 88 percent of the population.

In August 2004, the people of my home State of Missouri overwhelmingly voted by a majority of 71 to 29 percent to approve a State constitutional amendment protecting the traditional definition of marriage. Unfortunately, this sacred institution and the will of the people are under direct assault by an out-of-control judiciary branch. Radical judges on the supreme court of Massachusetts have already imposed same-sex marriage in that Commonwealth against the wishes of a majority of citizens, and I fear the activist State and Federal judges will soon impose same-sex marriage upon other jurisdictions in our Nation.

What that means is the people in my home State of Missouri may have legal recognition of same-sex marriage forced upon them, even though 71 percent of Missourians voted to adopt an amendment preventing such a practice.

Mr. Speaker, it is becoming increasingly apparent that our only recourse is to amend the Constitution of the United States. This is not a decision I take lightly, but we must act to defend the foundation of our society. Without such an amendment, people in Missouri, and many other States, will be disenfranchised by the courts.

Yes, Mr. Speaker, the Senate has dealt with this, and, no, this isn't a political issue. The reason that the Senate has dealt with this is exactly why the House needs to stand up and send a positive message to the American people about what is the best married environment to raise our children, and that is an environment that is a marriage between a man and a woman.

Mr. Speaker, this Congress as representatives of the American people has a duty to protect marriage from attack by the courts. I urge my colleagues to vote in favor of the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let's be very clear: this is not an attempt to restrain judges.

There have been two sources of opposition to same-sex marriage. A large number of people who bear those of us who are gay and lesbian no ill will have been opposed to it because they have heard that it would lead to social disruption. That is a common theme when we deal with issues involving particular groups in our society against whom there has been discrimination.

I invite people to go back and read the debates over the Americans with Disabilities Act to read what people like Pat Robertson said in opposition to it. I remember this debate 30 years ago in Massachusetts when we were talking about the Equal Rights Amendment. And so, yes, I understand that there are people who are opposed to same-sex marriage who do not in any way feel themselves prejudiced against gay men and lesbians, but who worry about the social consequences.

I think here we can point to the facts. We had full civil unions in Vermont in 2000. We have had same-sex marriage in Massachusetts for over 2 years. In no case is there the slightest evidence of social disruption. Let me say, though, that is one wing of the opposition.

There is another wing in the opposition, the people who are motivated by this, who really, frankly, dislike the fact that we exist; and disliking the fact that we exist individually, they are particularly distraught at the notion that we will associate with each other in various ways.

I want to address now the people who are worried about the social consequences, because I invite people to look at the evidence. There were no negatives.

But now let me go back to the point about the judges, because that is relevant to Massachusetts, and the points are linked. Because in Massachusetts what we have seen is that thousands of people have had their lives enriched by being able to love each other in a legally connected way, and it has been a good thing for them, and it has had zero negative consequences. I believe the political community in Massachusetts, through the elected legislature, maybe through a referendum, although I hope it doesn't come to that, will support this.

Be very clear: this amendment says that even if the people of Massachusetts, after 4 years of same-sex marriage being in existence, vote to ratify it by a majority, their vote does not count. This amendment cancels out a referendum.

In California, where the legislature voted for it, if a Governor should be elected in November who would sign that bill, this amendment says, no, legislature; no, Governor. We the Federal Government will decide. So it is not about restraining activist judges. It is about overruling any decision.

So then the question is, Why do it? Usually our view would be that if people are going to benefit from something, enjoy it, we would let that happen, in the absence of harm.

Now, clearly there is value to same-sex marriage. There are men and women, millions of us, who, for reasons we don't understand, nobody really does, in my judgment, feel an attraction to people of the same sex. What many of them have said is, you know what, we would like to have our love put into a legally connected context.

We want to be legally bound to each other, as we are emotionally and morally.

Who is that hurting? Well, we are told that it hurts marriage. And here is where the illogic comes in. People get up and say we have to be against letting two women marry because it is very important that men and women marry.

There is no connection. Nothing here threatens heterosexual marriage. It is just the most illogical argument I have ever heard. If two men are attracted to each other and want to live together legally, how does that endanger heterosexual marriage?

So the argument that we must ban same-sex marriage to protect heterosexual marriage literally makes no sense whatsoever. No one has shown me what the connection is. As a matter of fact, of course, people will have an example of people of the same sex living together, and if that somehow destabilizes heterosexual marriage, then it is going to happen.

If the gentleman wants me to yield, I would be glad to yield.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, what I would like to ask is this: Does the gentleman see any problem with society allowing preferential status in some ways to the traditional marriage between a man and a woman? Because that, to me, is what it really comes down to.

Mr. FRANK of Massachusetts. I would say to the gentleman this: no, I think we give preferential status to people who are married over people who aren't. What I don't see, what no one has argued, is how does allowing two men have that status interfere with the status. I assume you give a preferential status because you want to give people an incentive to marry. Okay, let's do that. Let's give people an incentive to marry.

But if you are a heterosexual strongly attracted to someone of the opposite sex and really not at all attracted to the idea of someone of your same sex, how does the existence of that undermine this?

Yes, I think we should give a preference to heterosexual marriage. We should incentivize it. How does the existence of same-sex marriage discourage or retard heterosexual marriage? Would anyone want to answer that for me?

Mr. KINGSTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, the debate before us today, as has been highlighted by people from both sides of the aisle, is about a definition of marriage. I think that the point that in the subtlest way has to be made clear, it is something that most Americans understand logically, and that is marriage is not about love; it is about a love that can bear children. There is a difference.

I love my parents. I love my family. I have friends that I love. But I love my wife and we are married. Marriage is a love that bears children and replenishes society along those lines.

I have been married personally for 31 years. We have six children and even a grandson. The children are doing well. One is a first lieutenant that just came back from Fallujah. The other two sons are over at the Naval Academy. I have two daughters that have not gone off to school yet.

All of those children, growing up with a mother and a father, have understood the first primitive concepts of government. They have understood what it is like to live under authority. They understand what it is like to work hard. They have learned to walk and to talk and to get along with each other and all of those things.

We also know that historically the people that are filling our prisons, the people who socially get in trouble a lot are statistically people who have not had the blessings of a loving mother and father and a stable home. It doesn't mean that people can't get in trouble when they come from that background, but statistically it is a lot easier for a child to grow up with the benefit of a loving home with a mother and a father.

So from a practical point of view, to preserve our civilization and society, it is important for us to preserve marriage. It is not just love; it is a love that produces children.

We ask ourselves, well, is this such a big debate? Really it shouldn't be. We have 45 States that have passed legislation saying a marriage is between a man and a woman. Also anybody who knows something about the history of the human race knows that there is no civilization which has condoned homosexual marriage widely and openly that has long survived.

It is for the practical reason that marriage is about bringing the next generation along, and it works best with one dad and one mom. That is what a great majority of Americans believe.

So it is sad that we have to basically tell our courts, because of their activist nature, the beliefs of such a great block of Americans.

I will conclude my comments by doing something that I don't know that I have done on the floor before, and that is to call attention to my colleague, the gentlewoman from Colorado, MARILYN MUSGRAVE, who has had the courage to do what seems so obvious, so obvious to at least 45 States' worth of Americans, to bring this amendment to the floor.

For her efforts to defend plain old traditional marriage, she has had millions of dollars thrown against her, and even a television ad that I have seen of some fat pink-dressed lady that is stealing jewelry off a corpse. She has had to put up with that.

I say to you, Congresswoman MUSGRAVE, we are proud of you, and we thank you for standing up for something that is so foundational to our society.

□ 1245

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished minority leader of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank Mr. NADLER for yielding and for his great leadership in defending the Constitution of the United States which is, of course, our oath of office.

Mr. Speaker, I also want to thank Mr. CONYERS, the gentleman from Michigan, for his leadership on this important issue, and to say to Congresswoman BALDWIN and to Congressman FRANK what an honor it is to serve with you in the Congress. It is a privilege to call you colleague.

Mr. Speaker, the crisis in the Middle East reminds us that it is our responsibility as a Congress to address the urgent priorities of the American people. Yet today it is painfully obvious that instead of tackling the challenges facing our Nation and our world, Republicans want to persist in their agenda to distract and to divide.

That is why the American people are demanding a new direction. That is why they say in great numbers that our country is going in the wrong direction. The challenges that our country face are too great for the Republican politics as usual. The constitutional amendment that we are debating today has been brought to this floor with full knowledge that it has no prospect for success either now or in the near future, the foreseeable future.

This is a partisan exercise by Republicans to divide the American people rather than forge consensus to solve our urgent problems. Our Constitution, which we all take an oath to support and defend, is an enduring and living document that has throughout our history expanded rights, not diminished them.

Though the Federal marriage amendment claims to protect marriage, it benefits no one and actually limits the rights of millions of Americans. In September, I am happy to say, my husband and I will be celebrating our 43rd wedding anniversary. I am a mother of five, we have five children and five grandchildren, expecting our sixth grandchild in October. And we certainly appreciate the value of family.

We see family in our community as a source of strength and a source of comfort to people. What constitutes that family is an individual and personal decision. But for all, it is a place where people find love, comfort and support. As we consider this amendment, we must understand we are talking about our fellow citizens, equal under the law, who are lesbian and gay, and what it means to them. They are members of our communities with dreams and aspirations, including their right to find comfort, love and support on equal terms.

They have every right and every expectation of any American that they are entitled to the very purposes for which this country was founded, that

we are all created equal by our Creator, and endowed with inalienable rights of life, liberty and the pursuit of happiness.

Let me tell you about two extraordinary constituents of mine, I have talked about them on the floor before. Phyllis Lyon and Del Martin, both in their eighties, and they have lived together for more than 50 years. They are grandparents, by the way, they are grandmothers. Their commitment, their love and their happiness are a source of strength to all who know them.

They are leaders in our community and are held in high esteem by all who know them. Why should they not have the full protection of the law to be able to share each other's health and bereavement benefits, to be able to share all of the protections and rights accruing to financial relationships, inheritance and immigration?

Why should Phyllis and Del and millions of gay and lesbian citizens not be treated equally and not be afforded the legal protections conferred by marriage? I will again vote against this amendment, as I have in the past, because it is counter to the noble ideas of liberty, freedom and equality for which this Nation stands.

This amendment defiles our cherished Constitution by saying that some members of our society are not equal under the law. This is blatant discrimination. It is wrong. It does not belong in our Constitution. It is contrary again to the noble purpose for which this Nation was founded, and it is contrary to the principle of ending discrimination, unifying our country, and fostering equality for all.

The American people demand that this Congress address their priorities: creation of jobs, creating a minimum wage that has not been raised in 9 years, gas prices that are over $3 a gallon, and the skyrocketing cost of higher education. That is what they want us to be doing here.

Mr. Speaker, let us strive to do the work of the American people. Let us strive to unite our country, take our country in a whole new direction, let us honor our Constitution, let us honor all of God's children and let us reject this amendment.

Mr. KINGSTON. Mr. Speaker, I yield 1½ minutes to the distinguished majority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the Marriage Protection Amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mr. Speaker, over the past few days some people have asked me, Why are we having this debate and this vote? I think this is an issue that the American people want their Representatives to debate and to vote on. And that is why it is part of the American Values Agenda that we released last month.

It has been front-page news all across the country, sparking intense debate amongst our fellow citizens. Many people that we represent believe the Congress needs to act. While 45 of the 50 States have either a State constitutional amendment or a statute that preserves the current definition of marriage, left-wing activist judges and officials at the local levels have struck down State laws protecting marriage.

The American people should decide this issue, not out-of-touch judges who are bent on redefining what marriage is for America's moms and dads. Poll after poll shows that the American people don't want marriage to be redefined by judges today and for our children tomorrow.

And protecting the institution of marriage safeguards, I believe, the American family. Studies show that children best flourish when one mom and one dad are there to raise them. And 30 years of social science evidence confirms that children respond best when their mom or dad are married and live at home. And that is why marriage and family law has emphasized the importance of marriage as the foundation of family, addressing the needs of children in the most positive way.

Mr. Speaker, I urge my colleagues to send a strong message to America's moms and dads rather than allowing judges to redefine marriage. I urge my colleagues to support the amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, how ironic that we consider this discriminatory, so-called marriage protection measure just one week after successfully renewing by a strong bipartisan margin a landmark piece of civil rights legislation, the Voting Rights Act.

The Voting Rights Act brought millions of Americans into the heart of American democracy. It has been a critical milestone in our Nation's ongoing quest to live up to the ideals of equality and freedom embodied in the Constitution. In contrast, today's legislation, if passed, would be a tragic step backwards. Amending the Constitution to limit the rights of a specific group amounts to government-sanctioned discrimination, and tramples on the prerogative of the State to define community values.

Regulation of marriage is historically a State-sanctioned enterprise. How hypocritical it is for those who often invoke States rights to claim this is a Federal issue. I believe I understand something about the cruel effects of discrimination on the individual and society at large.

You see, my father was a refugee from Nazi Germany. His medical school class was the last to graduate before the Nazi purges of Jewish students began. He and some of my family fled Germany a year later.

Mr. Speaker, one of the greatest joys of my life occurred recently. I became a grandmother for the first time.

I urge this House to carefully assess how our action today will impact future generations. And I wish for little Lucy a world in which prejudice and discrimination are mere footnotes in her high school history book. Vote ''no.''

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, one of the things that I think we can probably agree on today is the opponents of this legislation have questioned why we are even here. Mr. Speaker, I agree with them on that and disagree with them on almost everything else, because it just baffles me, as we think about our Founding Fathers dreaming that we would ever stand here and have to debate the definition of marriage and whether or not that was between a man and a woman.

Earlier today I stood where you are now standing and I listened to some of the words that were used against this legislation. I wrote some of them down. And one of the words was ''hateful.'' And as I wrote that down, all I could think about is if you want a definition of hateful, look at the attacks that have been brought against the sponsor of this piece of legislation across the country for daring to bring it to the floor for debate. That defines hateful.

And then they raised the word ''unimportant.'' And they list all of the other things that they think are important. And that frightens me, because they do not recognize the difference and the importance of the connection between strong marriages in this country and the strength of our Nation.

And then they call it divisive. Divisive to dare to stand against activist judges who will try to redefine literally hundreds of years of historical sanctioning of the institution of marriage. And then they say it is intolerant.

They couch themselves with love, and all they want to do is have love. Well, Mr. Speaker, suppose you have a teacher who loves her 13-year-old student, and just says, all we want to do is love each other and be together. We would never think of sanctioning that. Suppose you have a situation where a husband came in and said I love three wives. Just let me love them. How is that harming society?

I think, Mr. Speaker, you could use every argument you hear on this floor today against this legislation to justify both of those two situations. But, Mr. Speaker, I think one of the things that bothers me most is when we hear the argument that we shouldn't try because this legislation just won't pass.

Well, Mr. Speaker, we try because we believe that values are still important in America. We try because we believe marriage between a man and a woman is a cornerstone of those values. We try

because we believe the only way to protect the rights of States to define marriage for themselves is to pass this amendment.

Mr. Speaker, I am proud to stand with those who support this legislation and those who understand that this historic relationship between a man and a woman is worth defending, even if we do not succeed.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN) for the purpose of making a unanimous consent request.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.J. Res. 88.

I believe that the institution of marriage should consist of one man and one woman and I voted for the 1996 Defense of Marriage Act, but I cannot support this bill.

The Defense of Marriage Act has never been challenged in the Supreme Court and it seems like we are putting the cart before the horse.

We should allow our system of checks and balances to work as it has for over 200 years. Our founding fathers created three branches of government to work independently, but equally.

In Texas, we already have a law that states that the institution of marriage is between one man and one woman. We also have a law that states that Texas does not have to recognize marriages that were performed outside of the state of Texas.

Even if other states decide to change their standards for issuing marriage licenses. It will not change how marriage licenses are issued in Texas.

The Defense of Marriage Act supports our state laws. Marriage is a state issue and it should remain so. When my wife and I married 36 years ago we went to our county courthouse, not our federal courthouse.

We do not seek marriage licenses from the federal government.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri.

Mr. CLEAVER. Mr. Speaker, in 1974, I was ordained as an elder in the United Methodist Church after having completed 3 years of seminary, 4 years of undergraduate work. I have been pastoring for 32 years. As of today, I have never, ever been asked to perform a wedding between same-sex partners. I do not even know of a minister who has ever been made that request.

And so I am not sure how significant this is, except for the fact that I am not here to defend anything except the church. We have people sitting in the gallery and people looking at this broadcast all across America. And the chances are really high that almost 100 percent of them have marriage licenses signed by a member of the clergy, and not a Member of Congress.

Marriage was ordained by God, and in all of the weddings the words are read, ''Marriage is an institution by God signifying the uniting of this man and this woman in holy matrimony''.

And then we go on to say that, in my tradition, ''Christ adorned and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee.

□ 1300

Marriage is sacred. It is holy. It is an institution created by the church. Now, the United States Congress is going to trespass on the property of the church?

I am concerned that we have gone too far. Every judicatory or denomination in the world is debating this issue, and it should remain in that domain, not on the floor of Congress. I don't want Congress to approve or disapprove how we perform marriages in my church.

I sat on the front row in December, and I thought about Exodus: For 6 days, work is to be done, but the seventh day shall be your holy day, a sabbath of rest for the Lord. Whoever does any work on it must be put to death.

As I thought about that, we were sitting here on a Sunday morning debating the defense bill.

Mr. KINGSTON. Mr. Speaker, I wanted to point out to my friend from Missouri that in order to become States in the United States of America, Arizona and Utah had to change their own State constitutions to recognize marriage as a union between one man and one woman in order to do away with polygamy.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman and thank him for bringing this amendment to the floor and managing the time. I also would be remiss if I didn't acknowledge the leadership of my colleague from Colorado (Mrs. MUSGRAVE) on this issue. She has been a true champion, not only a champion inside this Chamber, but a champion for the values that I think a vast majority of Americans hold dear. For that she has paid what has already been recognized as a significant personal price. Again, I applaud her and I certainly admire her character and her tenacity.

Mr. Speaker, this debate seems to be framed by talking about what we are against. I think what we ought to be talking about, frankly, is what we are for. Too often in society, especially these days, it seems like we are against the very institutions that made this Nation great.

I see above your head, Mr. Speaker, the words ''in God we trust,'' and directly opposite you over my left shoulder is the medallion of the very first law giver, Moses. We all know where those laws came from, the very hand of God.

I think very often about the fact that we proudly profess that we are founded on Judeo-Christian principles. I think it is indisputable where those principles come from and what the origin of those principles is.

I believe that in the very beginning He created us, yes, all equal. The distinguished minority leader mentioned that a little bit ago, that we celebrate the fact that we were all created equal by our Creator, equal but different, and for a purpose. He showed us that purpose in the Garden of Eden, Adam and Eve. He showed us once again, and blessed that difference, at Cana, as my friend and colleague from Missouri just referenced, by Jesus performing his first miracle by blessing that wedding feast between a man and a woman.

I think there is a reason why marriage has always been such a sacred institution. I believe some things, some definitions in our society are absolute. Up isn't down, dark isn't daylight, black isn't white, fish isn't fowl, and marriage, since the beginning of time, as close as I can tell, has been between a man and a woman. If it was, indeed, good enough for our Creator, and it was indeed our Creator's plan, that we were created different for an absolute divine purpose, I think we best not be messing with His plan today.

It is important, I will disagree with my colleague from Missouri in this regard, it is very important that when a nation is, indeed, founded upon Judeo-Christian principles that we are willing to stand and define what we are for, lest we forget what we are about.

I strongly encourage the adoption of this amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to the constitutional amendment to prohibit same-sex marriage. If this amendment were to pass, it would mean the first time in history that the Constitution has been amended to include discrimination. I believe in marriage as a stabilizing force in our society, as a nurturing environment for our children, as a public expression of the most profound love and devotion of a commitment between two people to take responsibility for one another, in a legal and a personal sense, in sickness and in health.

The vast majority of marriages are, and, of course always will be, between one man and one woman. But the same virtues of couplehood apply to any loving adults.

Surely the 27-year relationship of my dear friends Michael and Roger does not threaten my marriage in any way. The loving family that Ann and Jackie expanded when they adopted David, giving him two adoring parents, is a good thing, regardless what anyone may say to the contrary, although they are free to say it.

But nothing in the Constitution should be established to exclude them from the rights that they deserve. There are so many pressing issues right now that are working, that undermine families.

Same-sex couples embrace the positive values of families. Let's spend our

limited time here as lawmakers helping all American families, and not discriminating against any.

Mr. KINGSTON. Mr. Speaker, I would point out that if this amendment does, in fact, make marriage, well, discriminate, and the opponents want to make marriage more inclusive, then is it not also true that we should and will broaden the definition of marriage, so that as Mr. FORBES from Virginia pointed out it is not merely a matter of one same-sex couple.

But why are we tripping over the word ''couple''? Why can't marriage be three people or four people? Why can't it be a combination, if that is what we are talking about.

I want to point that out to my friends, that this doesn't just end with being one definition or the other if you don't want to go with this definition.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to say amen to everything my colleagues who have just spoken before me, Mr. FORBES and Mr. BEAUPREZ, said. They made very eloquent arguments.

Mr. Speaker, if Members of the House vote as their States have voted on this amendment, the amendment will pass. Forty-five States have defined marriage as the union of a man and a woman. As a sociologist, I taught, and I believe, that marriage is the foundational institution of every culture. It is under attack by the courts. It needs to be defended in this way by defining it as the union of a man and a woman.

If it is going to be defined otherwise, it must be done by the legislatures and not by the courts. Today we are going to vote on a constitutional amendment to define marriage as the union of a man and a woman. This is about who is going to determine the definition, whether it is the courts or the legislative bodies.

The amendment is about how we are going to raise the next generation. How are they going to be raised? It is a fundamental issue for our families and for our future. It is an issue for the people. It is not an issue that the courts should resolve.

Those of us who support this amendment are doing so in an effort to let the people decide. We are making progress in America on defining marriage as the union of a man and a woman and will not stop until it is defined and protected as that union. Marriage is about our future. I continue to be struck by the opponents of this amendment, who say it is an effort to promote discrimination. The amendment is about promoting our future, our families, about how we raise the next generation and about allowing a definition of marriage that is as old as the creation of human beings.

Mr. Speaker, I ask my colleagues to support the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding and for his leadership. Of course, I stand in strong opposition to H.J. Res. 88.

This amendment seeks to enshrine, and it does seek to enshrine, discrimination into our Constitution. As an African American woman, and as a person of faith, there is no way that I can support discriminating against anybody. The history of our Nation has been a long process of bringing people of different backgrounds together.

This amendment would take everything that this Nation stands for as a beacon of hope, a land of opportunity, and a tolerant, democratic society and turn it all on its head. Government should not be in the business of discriminating against its people, pure and simple. Government should not get into the personal lives of individuals.

We must reject this, and it is a hateful and discriminatory amendment. It takes an extraordinary step that previous amendments have not taken. It bars States from granting pretty much any legal partnership such as civil unions or domestic partnerships.

Congress is supposed to work to promote a better life for all Americans. That means improving our Nation's education system, working to provide health care for the 47 million uninsured, ensuring that people have a roof over their heads.

We must see this amendment for what it is. It is clearly election-year pandering. It is an attempt to create a diversion from the real issues that this Congress should be dealing with.

This is clear election year pandering. This is simply an attempt to create a diversion from the real issues this Congress should be dealing with.

It's also an amendment once again enshrouded in an attempt to cloud the public's image of same-gender couples. They want to fill everyone's head with images of gay couples marching into churches and demanding marriage equality. This has nothing, nothing at all to do with churches and marriage.

The Republican Leadership wants to rile up the religious right with the idea that this has to do with an attempt to force religious institutions to sanctify same-sex couples.

Same-sex couples merely want the same rights that many take for granted; hospital visitation rights, health care benefits, inheritance rights, and joint tax-filing. These all come with civil ceremonies, through a license granted by a local county or city, not through an order signed by a church or any religious institution. We must make clear, this is about equal rights.

I urge my colleagues, and the public, to see this amendment for what it is really for. A mere political diversion tactic and an attempt to write hate into the Constitution.

Mr. KINGSTON. Mr. Speaker, I would invite the previous speaker, my friend, to watch one of the 527 ads that are being run against Mrs. MUSGRAVE. If she wants to see hateful speech, and one of the most hideous hateful acts that I have witnessed on any Member of Congress, I would invite anybody who is talking about hate to watch the ads that are run against our colleague for sponsorship of this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I will be voting for the amendment. I have got questions, though. Why now? Why this amendment? Why now?

No court has ordered the State of South Carolina to recognize a Massachusetts marriage. In fact, it is all within any given State. If a court had ordered South Carolina to recognize a Massachusetts marriage, this amendment would not be failing today on the House floor, as we all know it will. It would be passing with a significant margin.

I also have a question about why this amendment. Why not a federalism amendment? Why not an amendment that honors the 10th amendment to the Constitution that says that all powers not delegated to the Federal Government are reserved to the States?

As it is, this amendment is not what it should be. It should be a federalism amendment. It should be an amendment that says States have the prerogative to define marriage within their boundaries. As it is, we are providing a Federal definition of marriage, or attempting to do so, in this amendment that will fail.

I think it is also important to ask why this amendment, and to point out that no one should be under the misimpression that we are here mandating, let's say, a biblical definition of marriage. If we were, we would be directing the States only to grant divorces on the biblical basis of infidelity. But nobody is proposing such an amendment.

Why? Because we have avoided the dangers of a theocracy. I agree with what my colleague from Missouri said earlier, Mr. CLEAVER: this is the church's business. This is the synagogue's business. This is the business of the mosque to figure out what is marriage within their definition.

Now, when a State gets involved, it is really just about children and the result of divorce. Why now? Why this amendment? But yet the question is simply brought up, so we vote for it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to my colleagues on the other side of the aisle, I do believe in the separation of church and State, as one asked the question that we should be talking about what we believe in.

□ 1315

I believe in the 10th amendment and its constitutional premise: ''The powers not delegated to the United States

by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

My good friend who just spoke from South Carolina made a very valid point, that we are now tampering with constitutional privileges that we have yielded to the States, and more importantly, the Bill of Rights and the Constitution have made it very clear that it is a document of enhancement, of affirmation of rights.

My concern is that we are now standing on the floor of this sacred body denying rights to human beings and Americans. We are denying the rights, the privacy rights, civil liberties rights. We are even going so far as to deny visitation rights at hospitals and the ability to mourn your loved one.

Might I say that this past week a dear, beloved friend of mine mourned his partner, mourned his partner, and all of the community came to acknowledge the leadership of his partner. Is his grief or his loss to be degraded on this floor, to be denied, to ask the question whether it was not a special and sacred relationship?

So I ask my colleagues, as we corrected the enslavement of those of us who came here first in the bottom of the belly of a slave boat with the 13th, 14th and 15th amendment, affirmation of rights, creating rights, not denying rights, I will not stand here on the floor today and accept the responsibility of denying rights. Might I say, the Senate, the other body, has already spoken. They could not get a simple majority. Why? It is wrong to deny rights to Americans.

I will not allow the flag to be desecrated by this amendment. Defeat this constitutional offering and bring back freedom to America.

Mr. Speaker, this resolution is the symbol of the misplaced priorities of the Republican leadership in the House. It is clear that this amendment is being addressed not for the policy involved but simply for floor debate. We have considered this issue in Congress before, and doing so again is simply a waste of taxpayers' money. This debate is ill-advised and will not help the American people. Issues we could be addressing here today are: the global war on terrorism we are fighting, from which we have been distracted by the war in Iraq, and a war that has resulted in a devastating toll on American lives and our budget; the crisis in the Middle East; increasing gas prices; a ballooning budget deficit of over $5 trillion that is choking our economy and crucial social service programs; and a health care system that is failing the millions of Americans that remain uninsured.

Why are we wasting time on the House floor, in our legislative offices and with our valuable staff to handle this imprudent amendment?

I oppose this bill because, for the first time in America's rich and long democratic history, the Constitution will be used not as a beacon of liberation but an instrument of deprivation. On the 230-year anniversary of our Constitution, let us not desecrate it by enacting this act. H.J. Res. 88, the ''Marriage Protection Amendment,'' proposes to impose the opinion of a minority of the members of this Congress on the lives of all Americans on matters that concern their personal lives, their family relations, and their very identity.

TENTH AMENDMENT

The 10th Amendment states: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' The individual states need to have the ability to differ with the Federal Government in an area that relates to what goes on in the homes of individuals.

EQUAL PROTECTION OF THE LAW

Gay and lesbian Americans are American citizens who pay taxes and protect our communities as fire fighters, police officers, and by serving in the military, and therefore desire the same rights and protections as other Americans.

Denying gay and lesbian couples the right to marry amounts to a federal taking—legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy. It should never be our job to restrict the rights of the American people—only to extend them. This amendment would write discrimination into our Constitution.

As Members of Congress with the authorities vested in us as a body, we have a responsibility to deal with issues that need attention. There is no emergent need relating to individual well-being, national security, or any other government interest that warrants a constitutional amendment for this purpose. This is a waste of the taxpayers' dollars. This Amendment takes away existing legal protections, under state and local laws, for committed, long-term couples, such as hospital visitation rights, inheritance rights, pension benefits, and health insurance coverage among others.

Under current law, marriage is a decision of the state. As marriage was initially tied to property rights, this has historically always been a local issue. The state gives us a marriage license, determines a couples' tax bracket and authorizes its divorce. It does not need additional control over the situation. Religious conceptions of marriage are sacrosanct and should remain so, but how a state decides to dole out hospital visitation rights or insurance benefits should be a matter of state law. As legal relationships change, laws adapt accordingly.

Matters of great importance, such as marriage, need to reflect the will of the people and be resolved within the democratic process. By having Congress give the states restrictions initially, we are denying them the chance to let their constituents decide what is best for them. We cannot use the Constitution as a bullhorn to dictate social policy from Washington.

Furthermore, any law determining who may or may not marry denies religious institutions the right to decide this amongst themselves and is therefore a denial of the religious freedoms that we treasure so dearly.

Leading civil rights and religious organizations across the Nation have expressed their opposition to this amendment. Among them are: the Anti-Defamation League; the Alliance of Baptists; the American Civil Liberties Union; the League of Women Voters of the United States; the American Jewish Committee; the NAACP; and many more.

I have here in my hand a letter to Representatives HASTERT and PELOSI, signed by over 2,500 members of the clergy in our Nation. They come from different faiths and backgrounds, and may disagree on many things, but they all oppose this amendment.

This proposed amendment will forever write discrimination into the U.S. Constitution rather than focusing on the crucial problems and challenges that affect the lives of all of us. It is nothing more than a political distraction for the country to divert attention from the overabundance of real problems and our tremendous lack of effective solutions.

VIOLATION OF PRIVACY

Our civil liberties are based upon the fundamental premise that each individual has a right to privacy, to be free from governmental interference in the most personal, private areas of one's life. Deciding when and whether to have children is one of those areas. Marriage is another.

In 1965 the Supreme Court ruled in Griswold v. Connecticut that a married couple had the right to use birth control. In doing so, the Court recognized a ''zone of privacy'' implicit in various provisions of the Constitution. Most recently, the Supreme Court struck down a law criminalizing sex between same-sex couples in Lawrence v. Texas based upon these same principles.

Indeed, Lawrence relied principally on Griswold, Eisenstadt and Roe v. Wade. Collectively, these decisions recognize the fundamental principle that the Constitution protects individuals' decisions about marriage, procreation, contraception and family relationships. The issues are inextricably linked—in law as well as policy.

THERE IS NO VALID NEED TO AMEND THE CONSTITUTION

Amending the Constitution is a radical act that should only be undertaken to address great public-policy needs. Since the adoption of the Bill of Rights, in 1791, the Constitution has been amended only 17 times. Moreover, the Constitution should be amended only to protect and expand, not limit, individual freedoms. By contrast, the Marriage Protection Amendment is an attempt to restrict liberties, and on a discriminatory basis.

DEFENSE OF MARRIAGE ACT ALREADY EXISTS

The Defense of Marriage Act, which President Bill Clinton signed into law in 1996, already exists and recognizes marriage as a heterosexual union for purposes of federal law only. DOMA was designed to provide individual states individual autonomy in deciding how to recognize marriage and other unions within their borders. This allowed legislators the latitude to decide how to deal with marriage rights themselves, while simultaneously stating that no state could force another to recognize marriage of same sex couples. For those who want to take a stance on marriage alone, DOMA should quell their fears. We do not need additional, far reaching legislation.

MPA WILL NOT CHANGE VIEWS ON SAME SEX MARRIAGE

The Federal government cannot use its influence to change people's minds about a social issue. It did not work in the 1920s when the 18th amendment declared alcohol to be illegal and it did not work in the 1960s when interracial marriage was still considered a crime. This amendment will not change the lives of those who want to live as a married couple; all it will do is take away their license to do so.

THIS WILL CLOG THE JUDICIAL SYSTEM

The MPA is a lawyer's dream and a judge's nightmare. The number of cases that will flood

the system will be outlandish. Does the MPA retroactively invalidate all marriages that have occurred in the interim? If a spouse has died, how does the retroactive annulment effect custody of the children, or property rights? There will be a litany of case law brought out to deal with these questions, and our judicial system will be filled with cases trying to sort out the lasting effects of the MPA.

THIS IS LIKELY TO FAIL

Amending the constitution is not a simple thing, and should be done with care and caution over a longer period of time. Our haste in this matter will be the tragic flaw of the MPA's journey. Recent polls show that a majority of people who oppose gay marriage also oppose amending the constitution to ban them. In addition, this amendment has already been considered in the Senate and was rejected.

MPA DOES NOT HELP FAMILIES

Many of my colleagues are arguing that the MPA is here to protect the family. Spending time and resources to amend the constitution to prevent gay marriages is not helping a single family. Divorce, abuse, unwed motherhood, and unemployment are doing far more harm to millions of families everywhere. To those who are taking up the cause to protect American families, perhaps your attention could be focused elsewhere on the problems which are truly plaguing them.

The vocal proponents of the MPA show their strong and willful hatred of the gay and lesbian community. This egregious amendment would enshrine discrimination against a specific group of citizens and intolerance of specific religious beliefs into our Nation's most sacred document. The fight for equality is uniquely woven into our Nation's history. From the suffrage movement, to the civil rights movement, to the gay rights movement, minorities in this country have worked tirelessly to achieve the equal rights guaranteed to all.

THE LEGAL INCIDENT OF MARRIAGE WARRANTS A LICENSE

Marriage provides a multitude of critical protections to same sex couples and their children. These legal incidents include rights related to: group insurance; victim's compensation; worker's compensation; durable powers of attorney; family leave benefits; and a joint tax return.

These benefits are necessary for families to function. If ''marriage'' is truly a license that extends rights, it should not be denied to one group of people—otherwise, this body will be guilty of legislating in violation of the Equal Protections Clause of the Constitution.

Mr. Speaker, again, I urge my colleagues to defeat this resolution.

Mr. KINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, if I could just respond to the question of federalism.

There is a mistake on this floor when people are talking about this being a violation of federalism. Federalism, properly understood, is a check on the power of the Federal Government by the State government and vice versa.

The reason why the federalism issue does not apply here is because marriage and the family is likewise an institution, although a private one, which provides a countervailing source of power vis-a-vis the government, and there are lot of arguments on the floor. It is too bad we do not have a lot more time to talk about it.

The simple question, though, is are we going to fundamentally change the definition of marriage, understood in this country since its founding, and allow a preferential status for marriage properly understood? That is what we are really talking about. It is not discrimination. It is the question of whether you allow the traditional form of marriage to be given preferential status.

Those that argue against this amendment do not want that to be the case anymore. They are the ones that are overturning history and overturning the way things have been done for several hundred years in this country and thousands of years in this culture.

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

Federalism is the division of power between the Federal Government and the States. Family law, marriage, divorce have always been a matter for the States. This amendment attempts to seize it for the Federal Government. That is a major change in federalism, whatever the gentleman from California may say.

It is most certainly an issue of federalism because the Federal Government has never before gotten into the definition of marriage or divorce or any of those things. It has always been left to the States until this amendment.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from New York, and Mr. Speaker, I rise to oppose this resolution.

Mr. Speaker, this is not the grave crisis that a constitutional amendment demands. I will tell you what the grave crises are that we should be spending our time on.

North Korea tested a ballistic missile last week. We are still waiting for a strategy for success in Iraq. Gas prices are skyrocketing. War is erupting in the Middle East. And Congress wants the American people to believe that same-sex marriages are the gravest threat to their security.

We need to be focusing on issues of true security and safety for the American people and not on rhetorical devices that have no substantive meaning, because the other body already defeated it.

Mr. Speaker, I spent all morning this morning at the National Defense University participating in a military exercise with respect to Iran's development of nuclear weapons. I spent my time trying to figure out how we are going to protect the American people from that threat, and then I come to the floor of the House, and we waste time debating how we are going to protect the American people from same-sex marriages when we cannot even amend the Constitution in this session of Congress.

If we spent more time trying to hunt down Osama bin Laden and less time trying to hunt down people in marriages that we find objectionable, we would all be safer.

Now, I have a deep respect for my colleagues on the other side of the aisle and on the other side of this issue, but I would suggest that the American people want us focused on real security and real safety.

Mr. KINGSTON. Mr. Speaker, if I can ask the gentleman from New York, I have one more speaker. Then we are ready to close.

Mr. NADLER. I will yield to Ms. JACKSON-LEE for a unanimous consent request, and then you have your speaker, and I will close for my side and you close for yours. Let me ask how much time we have left at this point.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from New York (Mr. NADLER) has 3 minutes remaining. The gentleman from Georgia (Mr. KINGSTON) has 4¼ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I insert into the RECORD at this point the Clergy for Fairness, Religious Leaders Opposed to the Federal Marriage Amendment, that shows the standing of the religious community of America. It is entitled: ''We, the People.''

CLERGY FOR FAIRNESS,
Washington, DC, July 7, 2006.

Rep. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.
Rep NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR REP. HASTERT AND REP. PELOSI: As clergy from a broad spectrum of religious traditions we hold diverse views regarding marriage. However, we are united in our opposition to amending the U.S. Constitution to define marriage.

The Marriage Protection Amendment raises alarming constitutional concerns. We do not favor using the constitutional amendment process to resolve the divisive issues of the moment. Loading down the Constitution with such amendments weakens the enormous influence it holds as the key document that binds our nation together.

We are concerned that the Marriage Protection Amendment would mark the first time in history that an amendment to the Constitution would restrict the civil rights of an entire group of Americans. Misusing our nation's most cherished document for this purpose would tarnish our proud tradition of expanding citizens' rights by Constitutional amendment, a tradition long supported by America's faith communities. These concerns alone merit rejection of the Marriage Protection Amendment.

We also share a serious concern that the proposed Marriage Protection Amendment would infringe on religious liberty.

Thoughtful people of faith can and do disagree on the issue of marriage. America's many religious traditions reflect this diversity of opinion, as do we who sign this letter.

But we respect the right of each religious group to decide, based on its own religious teachings, whether or not to sanction marriage of same-sex couples. It is surely not the federal government's role to prefer one religious definition of marriage over another, much less to codify such a preference in the Constitution. To the contrary: the great contribution of our Constitution is to ensure religious liberty for all.

Some argue that a constitutional amendment is necessary to ensure that clergy and faith groups will never be forced to recognize marriages of same-sex couples against their will. This argument is unfounded. Such coercion is already expressly forbidden by the First Amendment's ''establishment'' clause, its guarantee of the right to ''free exercise'' of religion, and the Supreme Court's doctrine of religious autonomy that is rooted in both religion clauses. These, and only these, are all the protection of religious autonomy—and of religious marriage—our nation needs.

Our nation's founders adopted the First Amendment precisely because they understood the dangers of allowing government to have control over religious doctrine and decisions. It is this commitment to religious freedom that has allowed religious practice and pluralism to flourish in America as nowhere else. If this freedom is to be maintained, we must respect the rights of faith communities to apply their own religious teachings and values to the issue of same-sex relationships. It is surely not the business of politicians to assert control over the doctrine and practice of our faith communities.

The Marriage Protection Amendment would dignify discrimination and undermine religious liberty. America's religious communities do not support this amendment. As leaders of these communities, we urge you to vote against any attempt to pass this Amendment.

Respectfully,

Rev. Richard K. Heacock, Jr., United Methodist, Fairbanks, AK.

Rev. Janice A. Hotze, Episcopal, St. Michael and All Angels, Haines, AK.

Rev. Dale Kelley, Christian Church (Disciples of Christ), Unalaska, AK.

Rev. Robert Thomas, Jr., Episcopal, St. Peter's, Seward, AK.

Rev. Diana Jordan Allende, Unitarian Universalist, Auburn UU Fellowship, Auburn, AL.

Rabbi Jeffrey Ballon, Jewish, Bnai Shalom, Huntsville, AL.

The Rev. James Creasy, Episcopal, Opelika, AL.

Rev. Peter M. Horn, Episcopal, Vestavia Hills, AL.

Mr. Steven T. Karnes, Jewish, Kingdom Of Yahwey Assembly, Phenix City, AL.

Rev. Ruth B. LaMonte, Episcopal, Trinity Church, Birmingham, AL.

Rev. Lynette Lanphere, Episcopalian, Leeds, AL.

Rev. Elizabeth L. O'Neill, Presbyterian, Immanuel PCUSA, Montgomery, AL.

Rev. Marjorie F. Ragona, Metropolitan Community Churches, Bethel, Birmingham, AL.

Rev. Mary C. Robert, Episcopal, All Saints, Mobile, AL.

Rev. Alice I. Syltie, Unitarian Universalist, UU Church of Huntsville Alabama, Huntsville, AL.

Rev. Jack Zylman, Unitarian Universalist Church of Birmingham, Birmingham, AL.

Pastor Robert Anderson, Lutheran, Hot Springs Village, AR.

Rev. Alma T. Beck, Episcopal, St. Michael's Episcopal Church, Little Rock, AR.

Rev. Sharon M. Coote, Christian Church (Disciples of Christ), Pulaski Heights Christian Church, Little Rock, AR.

Rev. Stephen J. Copley, Mr. United Methodist Church, North Little Rock, AR.

Rev. Gerald G. Crawford, II, Episcopal, St. Mark's, Crossett, AR.

Rev. Marc Fredette, Unitarian Universalist, Unitarian Universalist Fellowship of Fayetteville, Fayetteville, AR.

Rev. Dr. Raymond Hearn, Presbyterian, Hot Springs Village, AR.

Rev. Robert Klein, Unitarian Universalist, Unitarian Universalist Church of Little Rock, Little Rock, AR.

Rabbi Eugene H. Levy, Jewish, B'nai Israel, Little Rock, AR.

Rev. Samuel C. Loudenslager, Episcopalian, St. Michael's Episcopal Church, Bigelow, AR.

Rev. Betty Grace McCollum, Unitarian Universalist, Emerson, AR.

Rev. Phillip R. Plunkett, Episcopal, Little Rock, AR.

Rev. Donna L. Rountree, Christian Church (Disciples of Christ), Scott, AR.

Rev. Anne Russ, PCUSA, Grace Presbyterian, Little Rock, AR.

Rev. Dan R. Thornhill, Christian Church (Disciples of Christ), Parkview Christian Church (Disciples of Christ), Little Rock, AR.

Rev. Kenneth Reuel Ahlstrand, Evangelical Lutheran Church in America, Beautiful Savior, Oro Valley, AZ.

Rev. Rosemary G. Anderson, United Methodist, Apache Junction, AZ.

The Rev. Susan Anderson-Smith, Episcopal, St. Philip's In the Hills, Tucson, AZ.

Rev. Leslie S. Argueta-Vogel, Presbyterian (USA), Phoenix, AZ.

Rev. Curtis A. Beardsley, Independant Catholic, Reyna del Tepeya, Apostolic Catholic Church of Antioch, Phoenix, AZ.

Rev. Franklyn Bergen, Episcopalian, St.Andrew's Tucson, AZ, Tucson, AZ.

Rabbi Alan Berlin, Jewish, Scottsdale, AZ.

Rev. Andre R. Boulanger, MA, STL, Roman Catholic, Phoenix, AZ.

Rev. Larry David Bridge, Christian Church (Disciples of Christ) & United Church of Christ, Scottsdale Congregational United Church of Christ, Scottsdale, AZ.

Rabbi Mari Chernow, Jewish, Temple Chai, Phoenix, AZ.

Rev. Rula Colvin, Methodist, Gilbert, AZ.

Rev. James Dew, Evangelical Lutheran Church in America, Santa Cruz Lutheran Church, Tucson, AZ.

Rev. Barbara D. Doerrer-Peacock, United Church of Christ, South Mountain Community Church, Tempe, AZ.

Rev. Richard Doerrer-Peacock, United Church of Christ, South Mountain Community Church, Tempe, AZ.

Rev. Dr. Eric Elnes, United Church of Christ, Scottsdale Congregational United Church of Christ, Scottsdale, AZ.

Rev. Barbara M. Farwell, Presbyterian, Serving as chaplain in lifecare community, Sun City, AZ.

Rev. Mary S. Harris, Presbyterian, Tucson, AZ.

The Rev. Robert Harvey, Episcopal, Tucson, AZ.

Rev. William H. Jacobs, Disciples of Christ, First Christian Church of Mesa, AZ, Tempe, AZ.

Rev. Dawn E. Keller, ELCA, Tucson, AZ.

Rev. Steve J. Keplinger, Episcopalian, St. David's, Page, AZ.

Rev. Delores J. Kropf, Ecumenical Catholic, St. Mihael's Ecumenical Catholic Church, Tucson, AZ.

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Rev. Gary N. McCluskey, Lutheran (ELCA), University Lutheran, Tempe, AZ.

Rev. Marc E. McDonald, United Methodist, Hope UMC, Bullhead City, AZ.

Fr. Brian H. O. A. McHugh, Episcopal, Coolidge, AZ.

Rev. Lee J. Milligan, United Church of Christ, Church of the Painted Hills, Tucson, AZ.

Rev. Kimberly Murman, Presbyterian Church (USA), Mesa, AZ.

Rev. Briget Nicholson, United Church of Christ, First, Tucson, AZ.

Rev. James Parkhurst, United Methodist, Phoenix, AZ.

Rev. David W. Ragan, United Church of Christ, Phoenix, AZ.

Rev. Rod Richards, Unitarian Universalist, UU Church of SE Arizona, Bisbee, AZ.

Rev. Ann Rogers-Witte, United Church of Christ, Shadow Rock UCC, Phoenix, AZ.

Rev. Liana Rowe, UCC, Phoenix, AZ.

Rev. Ron Rude, Evangelical Lutheran Church in America, Tucson, AZ.

Rev. Anne Sawyer, Episcopal, St. Andrew's, Tucson, AZ.

Rev. Kelli M. Shepard, Lutheran, Faith Lutheran, Tempe, AZ.

Rev. Gerry Straatemeier, MSW, Religious Science, Tucson, AZ.

Rev. James Strader, Episcopal, University of Arizona Episcopal Campus Ministry, Tucson, AZ.

Rabbi Andrew Straus, Jewish, Temple Emanuel of Tempe, Tempe, AZ.

Rev. Charlotte Strayhorne, Independent, Casa de Cristo Evangelical Church, Phoenix, AZ.

Rabbi Lisa Tzur, Jewish, Temple Gan Elohim, Scottsdale, AZ.

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Rev. Fletch Wideman, United Church of Christ, Shadow Rock UCC, Glendale, AZ.

Rev. Susan K. Wintz, MDiv, BCC, Presbyterian Church (USA), Mesa, AZ.

Deborah J. Davis, Jewish, Humanistic Jewish Congregation, San Diego, CA.

Rev. Luke Adams, Independent Catholic Churches International, Order of St. Luke the Healer, Oakland, CA.

Rev. Joseph M. Amico, United Church of Christ, Sunland, CA.

Rev. John Anderson, Presbyterian, San Francisco, CA.

Rev. Charlotte L. Asher, United Church of Christ, Redwood City, Redwood City, CA.

Rev. Joy Atkinson, Unitarian Universalist, Berkeley, CA.

Susan J. Averbach, Jewish Humanist, Kol Hadash, San Francisco, CA.

Fr. Michael A. Backlund, PhD, The Episcopal Church, St. Paul's Church, Sacramento, Angels Camp, CA.

Rev. Connie Zekas Bailey, RSI International, Vista, San Marcos, CA.

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Rev. Erwin C. Barron, PCUSA, Old First Presbyterian Church, San Francisco, CA.

Rev. Hank Bates, Independent Religious Science, Palm Springs, CA.

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Fr. John A. Bell, New Church Inclusive Anglican Reform, St. Savior—San Francisco, Oakland, CA.

Rabbi Elissa Ben-Naim, Reform Jewish, Los Angeles, CA.

Rev. David L. Bennett, United Methodist, Central United Methodist, Stockton, CA.

Fr. William S. Bennett, OHC, Episcopal, Santa Barbara, CA.

Rev. Dr. Gaye G. Benson, United Methodist, El Sobrante, CA, Richmond, CA.

Rev. Susan Bergmans, Episcopal, San Pablo, CA.

Rabbi Michael Berk, Reform Jewish, San Francisco, CA.

Rabbi Linda Bertenthal, Jewish, Union for Reform Judaism, Los Angeles, CA.

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Br. Richard Jonathan Cardarelli, SSF, Anglican, San Francisco, CA.
Rev. Helen Carroll, Unitarian Universalist, Atascadero, CA.
Rev. Jan Chase, Unity, Unity of Pomona, Pomona, CA.
Rev. Marilyn Chilcote, Presbyterian, First Presbyterian, Oakland Oakland, CA.
Rev. Kelly Dahlgren Childress, United Church of Christ, Oakland, CA.
Rev. Abbot Neil V. Christensen, c.s.e.f., Th.D., Catholic, Community of Sts. Elizabeth of Hungary & Farancis de Sales, Interdenominational, Sacramento, CA.
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Fr. Norman L. Cram, Episcopal, Sonoma, CA.
Rev. Robert Warren Cromey, Episcopalian, Trinity, SF, San Francisco, CA.
Rev. Sandra R. Decker, Interfaith, Kensington, CA.
Rev. Nancy S. DeNero, UCC, Mount Hollywood Congregational UCC, Pasadena, CA.
Rev. Kristi L. Denham, United Church of Christ, Congregational Church of Belmont, San Mateo, CA.
Rabbi Lavey Derby, Jewish, Kol Shofar, Mill Valley, CA.
Rev. Brian K. Dixon, Alliance of Baptists, Dolores Street Baptist Church, San Francisco. CA.
Rabbi Joel C. Dobin, D.D., Reform, Walnut Creek, CA.
Rev. James Dollins, United Methodist, San Dieguito UMC, Vista, CA.
Rev. Richard F. Drasen, Religious Science, Palm Springs Church for Today, Palm Springs, CA.
Rev. Michael G. Dresbach, Episcopal, San Cristbal, Panama, San Jose, CA.
Rev. Doris L. Dunn, United Church of Christ, Citrus Heights, CA.
Rev. Dale K. Edmondson, American Baptist, San Leandro, CA.
Br. Kenneth Ehrnman, EACA, Laguna Woods, CA.
Rev. Michael Ellard, Metropolian Community Churches, MCC San Jose, San Jose, CA.
Rev. Brian Elster, Evangelical Lutheran (ELCA), Lutheran Church of Our Redeemer, Oxnard, CA.
Rev. Richard K. Ernst, United Methodist, Loomis, CA.
Rev. Alejandro Escoto, MCCLA's Latino Congregation, West Hollywood, CA.
Rev. Stefanie Etzbach-Dale, Unitarian Universalist, Unitarian Universalist Fellowship of Kern County, Bakersfield, CA, Santa Monica, CA.
Rev. Martha Fahncke, Christian, Temple City, CA.
Rev. John Fanestil, United Methodist, La Mesa, CA.
Rev. Carol C. Faust, Protestant—Universal Life, Oakdale, CA.
Rev. Robert H. Fernandez, Presbyterian (USA), San Francisco, CA.
Rev. Lydia Ferrante-Roseberry, Unitarian Universalist, Oakland, CA.
Rev. Marylee Fithian, United Methodist, Guerneville, CA.
Rabbi Joel R. Fleekop, Jewish, Shir Hadash, Los Gatos, CA.
Msr. Carlos A. Florido, OSF, Orthodox Catholic, San Francisco, CA.
Rev. John C. Forney, Episcopal, Progressive Christians Uniting, Chino, CA.
Rev. Ernest M. Fowler, United Church of Christ, 1st Congregational Church, Long Beach, CA, Laguna Woods, CA.
Rev. Jerry Fox, United Methodist, San Jose, CA.
Rabbi Karen L. Fox, Jewish, Los Angeles, CA.
Rev. David French, United Methodist, Temecula, CA.
Rev. Mary M. Gaines, Episcopal, St. James, SF, San Francisco, CA.
Rev. Bruce R. Gililland, Alliance of Christian Churches, Sunnyvale, CA.
Rev. Deborah Beach Giordano, Independent Methodist, inklings, Castro Valley, CA.
Rabbi Eva Goldfinger, Humanistic Judaism, Adat Chaverim Valley Congregation for Humanistic Judaism, Valley Glen, CA.
Rabbi Evan Goodman, Jewish, Congregation Beth Israel-Judea, San Francisco, CA.
Rev. Thomas H. Griffith, United Methodist, Woodland Hills United Methodist Church, Woodland Hills, CA.
Rev. Anthony Guillen, Episcopal, Ventura, CA.
Rev. Caroline J. Hall, Episcopalian, St Benedicts Los Osos, Los Osos, CA.
Rev. Jim Hamilton, United Methodist, Redondo Beach, CA.
Dr. Frank S. Hamilton, Presbyterian Church (USA), Santa Rosa, CA.
Rev. Sally Hamini, Unitarian Universalist, UU Church of Buffalo, Berkeley, CA.
Rev. M. Elisabet Hannon, United Church of Christ, Wesley United Methodist Church, Fresno, CA.
Rev. Pharis Harvey, United Methodist, Corralitos, CA.
Dr. Kathy Hearn, United Church of Religious Science, La Jolla, CA.
Rev. Patricia D. Hendrickson, Episcopal Thousand Oaks, CA.
Rev. Carol C. Hilton, Unitarian Universalist, Palomar U.U. Fellowship, Vista, CA, Oceanside, CA.
Rev. Daniel M. Hooper, Evangelical Lutheran, Hollywood Lutheran Church, Los Angeles, CA.
Rev. H. James Hopkins, American Baptist, Lakeshore Avenue Baptist Church, Oakland, CA.
Rev. Ricky Hoyt, Unitarian Universalist, Santa Clarita, Los Angeles, CA.
Rev. Thomas B. Hubbard, Episcopal, Claremont, CA.
Rev. Joan G. Huff, Presbyterian Church (USA), 7th Avenue Presbyterian Church, San Francisco, CA.
Rev. Bill Hutchinson, United Church of Christ, Sonoma, CA.
Rev. Scott T. Imler, United Methodist Church, Crescent Heights UMC, West Hollywood, CA.
Rev. Rebecca Irelan, United Methodist, Novato UMC, Novato, CA.
Rev. Steve C. Islander, United Methodist, Estero Bay UMC, Atascadero, CA.
Rabbi Steven Jacobs, Jewish, Woodland Hills, CA.
Rev. Mark J. Jaufmann, Ecumenical Catholic, St. Andrew & St. Paul Ecumenical Catholic, Community, Woodland Hills, CA.
Rev. Bryan Jessup, Unitarian Universalist, Fresno California, Fresno, CA.
Rev. Beth A. Johnson, Unitarian Universalist, Palomar Unitarian Universalist Fellowship, Vista, CA.
Rev. Jay E. Johnson, PhD, Episcopal, Church of the Good Shepherd, Berkeley, Richmond, CA.
Rev. Kevin A. Johnson, UCC and Methodist, Bloom in the Desert Ministries, Palm Springs, CA.
Rev. Allan B. Jones, United Methodist, Christ Church United Methodist, Santa Rosa, CA.
Rev. Nancy Palmer Jones, Unitarian Universalist, First Unitarian Church of San Jose, San Jose, CA.
Rev. Robert Angus Jones, Methodist, Oakland, CA.
Rev. Sally J. Juarez, PCUSA, Oakland, CA.
Rabbi Yoel Kahn, Jewish, JCCSF, San Francisco, CA,
Rev. Sheila M. Kane, United Methodist, Riverside, CA.
Evan Kent, Jewish, Temple Isaiah, Los Angeles, CA.
Rev. David L. Klingensmith, United Church of Christ, Fresno, CA.
Rev. Patricia L. Klink, Religious Science, Fillmore Church of Religious Science, Fillmore, CA.
Rev. Peter D. Krey, PhD., E.L.C.A., Christ Lutheran, Albany, CA
Rabbi Brett Krichiver, Jewish, Stephen S. Wise Temple, Los Angeles, CA.
Rev. Kathleen F. La Point-Collup, United Methodist, Elk Grove UMC, Elk Grove, CA.
Rev. Peter Laarman, United Church of Christ, Los Angeles, CA.
Rabbi Gail Labovitz, Jewish-Conservative, University of Judaism, Los Angeles, CA.
Rabbi Howard Laibson, Jewish, Seal Beach, CA.
Rev. Darcey Laine, Unitarian Universalist, Unitarian Universalist Church of Palo Alto, Palo Alto, CA.
Rev. Jeffrey P. Lambkin, Sr., Unitarian Universalist, Unitarian Universalist Church in Idaho Falls, Richmond, CA.
Rev. Scott Landis, United Church of Christ, Mission Hills, San Diego, CA.
Rev. Joseph A. Lane, Episcopal, Good Shepherd Episcopal Church, Belmont, CA.
Rev. Peter R Lawson, Episcopalian, St. James', San Francisco, Valley Ford, CA.
Rabbi Steven Z. Leder, Jewish, Wilshire Boulevard Temple, Los Angeles, CA.
Rabbi Michael Lerner, Jewish, Beyt Tikkun Synagogue, Berkeley, CA.
Rev. John L Levy, Religious Science, Palm Springs, CA.
Rev. Kirsten M. Linford, Disciples of Christ/United Church of Christ, Westwood Hills Congregational UCC, Los Angeles, CA.
Rev. Harriet B. Linville, Episcopal, Morro Bay, CA.
Rev. Dr. Robert Lodwick, Presbyterian Church (USA), Pasadena Presbyterian Church, Pasadena, CA.
Rabbi Michael Lotker, Jewish, Temple Ner Ami, Northridge, CA.
Rev. Petra Malleis-Sternberg, United Church of Christ, First Congregational United Church of Christ, San Bernardino, CA.

Rev. Tessie Mandeville, Universal Fellowship of Metropolitan Community Churches, MCC San Francisco, San Francisco, CA.

Rev. Dr. Robert Mattheis, Lutheran (ELCA), Our Savior, Lafayette, CA, Lodi, CA.

Rev. Patricia E. McClellan, OMC, Celtic Christian, St. Columba's Celtic Christian Church, Pinole, CA.

Rev. David Elwood McCracken, United Church of Christ, Sonoma, CA.

Rev. Gregory W. McGonigle, Unitarian Universalist, Davis, CA.

Rev. Steven E Meineke, UCC, Solana Beach, CA.

Rabbi Norman Mendel, Jewish, San Luis Obispo, CA.

Rev. Barbara Meyers, Unitarian Universalist, Mission Peak Unitarian Universalist Congregation, Fremont, CA.

Rev. Eleanor Meyers, United Church of Christ, Claremont, CA.

Rev. Ralph Midtlyng, ELCA, All Saints Ev. Lutheran, Granada Hills, CA.

Rev. Rosamonde Miller, Gnostic, Palo Alto, CA.

Rev. John S Millspaugh, Unitarian Universalist, Tapestry, a Unitarian Universalist Congregation, Mission Viejo, CA.

Rev. Clair E Mitchell, United Methodist, Westwood—LA, CA, Los Angeles, CA.

Rev. Dr. Rick Mitchell, Disciples of Christ, Concord, CA.

Rev. Douglas J. Monroe, United Methodist, 1st UMC of Napa, Napa, CA.

Rev. Richard O. Moore, United Church of Christ, Claremont, CA.

Rev. Ronald S. Moore, Lutheran, San Leandro, CA.

Rev. Amy Zucker Morgenstern, Unitarian Universalist, Unitarian Universalist Church of Palo Alto, Palo Alto, CA.

Rev. Keith Mozingo, Metropolitan Community Churches, Metropolitan Community Church Los Angeles, West Hollywood, CA.

Rev. Paul Mullins, ELCA, Grace, San Francisco, CA.

Rabbi Leonard Z Muroff, Jewish, Temple Beth Zion-Sinai, Agoura Hills, CA.

Rabbi Tracy Nathan, Jewish, Congregation Beth Sholom, San Francisco, CA.

Rev. Arlene K. Nehring, United Church of Christ, Eden United Church of Christ, Hayward, CA.

Rev. Penny Nixon, Metropolitan Community Churches, San Francisco, CA.

Rev. Julia H. Older, Unitarian Universalist, UUFRC, Redwood City, CA.

Rev. Kathleen France O'Leary, United Methodist, Arcata UMC, McKinleyville, CA.

Rev. G. Kathleen Owens, Unitarian Universalist, Pasadena, CA.

Rev. Susan Parsley, Christian, Disciples of Christ, San Francisco, CA.

Rev. Larry Patten, United Methodist, Wesley United Methodist, Fresno, CA.

Rev. Fhyre Phoenix, Universal Life Church, Arcata, CA.

Rev. Giovanna Piazza, Ecumenical Catholic, Sophia Spirit, Santa Ana, CA.

Rev. Gayle Pickrell, United Methodist, Christ Church UMC, Santa Rosa, CA.

Rev. Fred Rabidoux, Unitarian Universalist, San Francisco, CA.

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Rev. Chris Rankin-Williams, Episcopal, Ross, CA.

Rev. Dr. George Regas, Episcopal, All Saints Church, Pasadena, CA, Pasadena, CA.

Fr. John B. Reid, Eastern Orthodox, St. Michael's Church, West Covina, CA.

Rev. Holly Reinhart-Marean, United Methodist, Sierra Madre United Methodist Church, Sierra Madre, CA.

Rev. Thomas Reinhart-Marean, United Methodist, Sierra Madre UMC, Sierra Madre, CA.

Rev. Dr. Mark Richardson, United Methodist, Trinity UMC, Los Osos California, Los Osos, CA.

Rabbi Dorothy Richman, Jewish, Berkeley, CA.

Mrs. Maria Riter Wilson, The Contemporary Catholic Church, San Dimas, CA.

Rev. Philip H. Robb, Episcopal, St. John's, San Bernardino, Grand Terrace, CA.

Br. Stuart G. Robertson, Presbyterian Church (USA), Grace Sacramento, Carmichael, CA.

Rev. Dr. Wayne Bradley Robinson, United Church of Christ, Pioneer UCC, Antelope, CA.

Rabbi Sanford Rosen, Jewish, Peninsula Temple Beth El, Fullerton, CA.

Rabbi John Rosove, Judaism, Temple Israel of Hollywood, Los Angeles, CA.

Rev. Kathleen D. Ross Bradford, Episcopal, St. Alban's, Antioch, CA.

Rev. Carol S. Rudisill, Unitarian Universalist, Sierra Madre, CA.

Rev. Dr. Victoria Rue, Roman Catholic, Watsonville, CA.

Rev. Diane B. Russell, Religious Science, Bonita, Chula Vista, CA.

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Rev. Kenneth Ryan-King, Episcopalian, San Jorge, Oakland, CA.

Rev. Franklin D. Sablan, United Methodist, Wilshire UMC, Los Angeles, CA.

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Rev. Katherine Salinaro, Episcopal, Hercules, CA.

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Rev. Rick Schlosser, United Methodist, Clearlake Oaks Community UMC, Sacramento, CA.

Rev. Kathryn M. Schreiber, UCC, United Church of Hayward, UCC, Hayward, CA.

Rev. Craig Scott, Unitarian Universalist, Berkeley, CA.

Rabbi Judith A. Seid, Jewish, Tri-Valley Cultural Jews-CSJO, Pleasanton, CA.

Rabbi Richard Shapiro, Jewish-Reform, Temple Sinai, Rancho Mirage, CA.

Rev. Andy Shelton, Community of Christ, Novato, CA.

Rabbi John M. Sherwood, Jewish, Temple Beth Torah, Oxnard, CA.

Rev. John L. Shriver, Presbyterian, Walnut Creek, CA.

Rev. Linda Siddall, Religious Science, San Mateo, CA.

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Fr. Duane Lynn Sisson, Episcopalian, St. Giles, Oakland, CA.

Rev. David A. Smiley, Disciples of Christ, San Luis Obispo, CA.

Rev. Channing Smith, Episcopal, Transfiguration Episcopal Church, Belmont, CA.

Fr. Richard L. Smith, Ph.D., Episcopal, St. John the Evangelist, San Francisco, CA.

Rev. Stanley A. Smith, Protestant, Carmel, CA.

Rev. Dr. Ronald Sparks, United Church of Christ, Community Church, California City, CA.

The Rev. Jeffrey Spencer, United Church of Christ, Niles Congregational UCC, Fremont, CA.

Rev. Terry C. Springstead, Mar Thoma Orthodox Catholic Church, Ridgecrest, CA.

Rev. Betty R. Stapleford, Unitarian Universalist, Conejo Valley UU Fellowship, Thousand Oaks, CA.

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Rabbi Stephen Julius Stein, Jewish, Wilshire Boulevd Temple, Los Angeles, CA.

Rabbi Gershon Steinberg-Caudill, Jewish, Ohr Shekinah Havurah, El Cerrito, CA.

Rabbi Ronald Stern, Jewish, Stephen S. Wise Temple, Los Angeles, CA.

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Rev. Roger D. Straw, United Church of Christ, Benicia, CA.

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Rev. Gerald V. Summers, United Methodist, Chico, CA.

Rev. Neil A. Tadken, Episcopal, St. James' Church, L.A., West Hollywood, CA.

Msr. Suzanne Tavernetti, Episcopal, King City, CA.

Rev. Richard E. Taylor, Ph.D., American Baptist, Eureka, CA.

Rev. Wendy J. Taylor, United Church of Christ, San Mateo, CA.

Rev. Neil G. Thomas, Metropolitan Community Churches, Metropolitan Community Church Los Angeles, West Hollywood, CA.

Rev. Janelle L. Tibbetts, PCUSA, Burbank, CA.

Rev. Harold A. Tillinghast, United Methodist, Eureka, CA.

Rev. Dr. Lynn Ungat, Unitarian Universalist, Church of the Larger Fellowship, Castro Valley, CA.

Rev. Valerie A. Valle, Ph.D., Episcopalian, St. Alban's, Brentwood, Brentwood, CA.

Rev. Clyde Vaughn, United Methodist, Aptos, California, Aptos, CA.

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Rev. Mary Walton, United Methodist Church, Long Beach, CA.

Rabbi Martin Weiner, Reform Judaism, Sherith Israel, San Francisco, CA.

Rev. S. Kay Wellington, UCC, Benicia Community, Concord, CA.

Rev. Faith Whitmore, United Methodist, St. Mark's UMC, Sacramento, CA.

Rev. Bets Wienecke, Unitarian Universalist, Carpinteria, CA.

Rev. Ned Wight, Unitarian Universalist, La Mesa, CA.

Rev. Karen L. Wiklund, Universal Life Church, Lompoc, CA.

Rev. Warren R. Wilcox, United Church of Christ, Grover Beach, CA.

Rev. Lee E. Williamson, United Methodist, California-Nevada Conference, Hayward, CA.

Rev. Dr. Kimberly Willis, United-Methodist, Bakersfield, CA.

Rev. Paul D. Wolkovits, Roman Catholic, Los Angeles, CA.

Rev. Mark Zangrando, Catholic, Jesuit, West Hollywood, CA.

Rev. Oberon Zell, Church of All Worlds, Cotati, CA.

Rev. David Zollars, Presbyterian, Comm. Pres. Pittsburg, Pittsburg, CA.

Rabbi Laurie Coskey, Reform Judaism, San Diego, CA.

Pastor Janice Adams, Presbyterian, Calvary Presbyterian, Bayfield, CO.

Rev. George C. Anastos, United Church of Christ, First Plymouth Congregational Church, Englewood, CO.

Rev. Richard Baer, Buddhist, The Open Circle, Littleton, CO.

Rabbi Eliot Baskin, Jewish, Har Shalom, Greenwood Village, CO.

Rev. Bonnie L. Benda, United Methodist, Cameron, Denver, CO.

Rev. Sharon A. Benton, Christian, Plymouth Congregational Church, Fort Collins, CO.

Rev. John P. Blinn, United Methodist, Pueblo, CO.

Rev. Nelson Bock, Lutheran (ELCA), Our Savior's Lutheran, Denver, Denver CO.

Rev. Rebecca Booher, Interfaith/Unitarian Universalist, UU Church of Pueblo, Pueblo, CO.

Rabbi Stephen Booth-Nadav, Reconstructionist/Jewish, Bnai Havurah:CJRF, Denver, CO.

Rev. Betty J. Bradford, United Methodist, Denver, CO.

Rev. Patrick Bruns, United Methodist, Brentwood United Methodist Church, Denver, CO.

Rev. Russell V. Butler, United Methodist, Arvada United Methodist, Arvada, CO.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. KINGSTON. Mr. Speaker, I also will submit into the RECORD at this point some groups who want to go on the record as being in support of this.

COALITIONS FOR AMERICA,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE, I want you to know that I am in full support of your efforts and appreciate your leadership role in helping to defend traditional marriage by sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman.

As a conservative, amending the Constitution is not something I or others should take lightly, but with the continuous assault from the left on traditional marriage ''day in and day out'' it is an issue that must be addressed, I believe, by amending the Constitution.

Sincerely,

PAUL M. WEYRICH,
National Chairman.

POSITION STATEMENT OF FOCUS ON THE FAMILY ON THE MARRIAGE PROTECTION AMENDMENT, H.J. RES. 88

Marriage is a sacred, legal, and social union ordained by God to be a lifelong exclusive relationship between one man and one woman. Focus on the Family holds this institution in the highest esteem, and strongly opposes any legal sanction of marriage counterfeits, such as the legalization of same-sex ''marriage.'' History, nature, social science, anthropology, religion, and theology all coalesce in vigorous support of traditional marriage as it has always been understood: a lifelong union of male and female for the purpose of creating stable families.

The Marriage Protection Amendment is necessary to protect the institution of marriage. To date, three courts have overturned state marriage protection amendments and in one state—Massachusetts—judicial fiat has forced the state to issue same-sex ''marriage'' licenses. Currently, ten states face challenges to their marriage protection laws. Just one such lawsuit needs to reach the Supreme Court before marriage is redefined for all Americans.

A plethora of federal and state law including tax law, employment law, social security, wills and estates, depend on a foundational definition of marriage for proper application. Without a national definition of marriage upheld in the Constitution, consistent administration of law will soon be impossible.

Due to the foundational importance of marriage in American society it must be defined nationally. The only question is, Who will define marriage? Will it be tyrannical judges acting through the courts to write a radical new definition of marriage or the American people, acting through their elected legislators to pass a Marriage Protection Amendment? We believe the people should decide.

Focus on the Family calls on all Members of Congress to cosponsor and vote in support of the Marriage Protection Amendment, H.J. Res. 88.

CENTER FOR RECLAIMING AMERICA FOR CHRIST,
Fort Lauderdale, FL, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR MRS. MUSGRAVE: We firmly believe that marriage is more than a private emotional relationship. It is for the common good of society that marriage remains exclusively the union of a man and a woman.

We agree that the Constitutional amendment process is a fair and democratic way of putting this important question back in the hands of the American people rather than in the hands of a number of unelected judges, whose bias leads them to redefine marriage contrary to its basic meaning and structure.

Respectfully submitted,

Dr. GARY L. CASS,
Executive Director,
Center for Reclaiming America.

AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS,
Chattanooga, TN, July 14, 2006.

DEAR CONGRESSMAN: Multiple studies have shown that children are healthier when they have both a mom and a dad married to each other. Risks such as physical abuse, verbal abuse, and poverty decrease when children live in a family with a mother and a father. To intentionally increase a child's risk of abuse by depriving him/her of a natural family structure is unconscionable. A federal marriage amendment will protect this family structure, and thereby protect the institution that is foundational to our strong society.

Despite the overwhelming support of Americans for the protection of marriage, a few judges are taking liberties to change the definition of marriage through the courts. As President Bush said, ''After more than two centuries of American Jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization.'' The Founders did not intend for the Judiciary to overrule the will of the people by judicial fiat, especially when that will extends to preserving a sacred and essential institution of our society.

The American Association of Christian Schools urges you to join your colleagues in supporting and voting for a Federal Constitutional Amendment that protects marriage.

Yours for the children,

KEITH WIEBE,
President.

AMERICAN VALUES,
Arlington, VA.

DEAR REPRESENTATIVE MUSGRAVE: Thank you for your leadership in defense of traditional marriage and for sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman. While conservatives believe amending the Constitution should never be taken lightly, the Constitution's framers created an amendment process for a reason. Sometimes we must address issues that affect us all, and marriage is just such an issue.

I was encouraged to learn recently that New York's highest court upheld the legislature's right to pass laws protecting marriage, based largely on ''. . . the undisputed assumption that marriage is important to the welfare of children.'' As the court stated, ''. . . The Legislature could rationally believe that it is better, other things being equal, for children to grow up with both a mother and a father. Intuition and experience suggest that a child benefits from having before his or her eyes, every day, living models of what both a man and woman are like.''

Today, the Eighth Circuit Court of Appeals re-instated Nebraska's popularly-enacted marriage protection amendment based on the recognition that marriage is ''rationally related to legitimate state interests.'' While this decision is good news, it also means that this case might be headed to the United States Supreme Court, which raises the stakes in the upcoming vote on House Joint Resolution 88.

I am hopeful that the House of Representatives will follow the lead of the American people and respond decisively to the threat posed by judicial activists to redefine traditional marriage. I look forward to working with you in the future on this important issue.

Sincerely,

GARY L. BAUER.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MUSGRAVE: Recently Alabama, by the approval of 81 percent of the people, became the 20th state to affirm a state constitutional amendment on marriage. A total of 45 states have now passed amendments or laws prohibiting same-sex marriage. Clearly, Americans do not want to see this most basic institution open to any arrangement other than that of one man and one woman.

Unfortunately, recent court decisions have demonstrated that state constitutional amendments can be struck down at the whim of an overreaching judge. Last year, a federal judge struck down Nebraska's state marriage amendment—despite its passage by over 70 percent of voters in 2000—and more recently, a Georgia court deemed the state's marriage amendment unconstitutional—in the wake of 76 percent of voters favoring the amendment in 2004. Fortunately, the Georgia ruling has been overturned, but that case still serves as a reminder that an amendment to the U.S. Constitution is the only sure means to safeguard marriage from radical judges.

Respectfully,

RICHARD D. LAND,
President.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the marriage protection amendment, and I want to thank Congresswoman MUSGRAVE for her bravery and leadership on this critical issue.

Marriage is an honored institution in this country, and voters have consistently voiced their support for protecting traditional marriage. Many

State legislatures have already taken action and laws have been passed to establish marriage as the union of one man and one woman.

Unfortunately, we have seen activist courts taking the legislative power away from elected officials and reversing important laws and, in particular, marriage protections. Recent court decisions are threatening traditional marriage, and I might add that there are groups in this country who have made that their agenda. They want to redefine the institution of marriage in the United States, and they do not want to do it through the political process, but they want to do it through the courts; and that is why we are here today having this debate.

Our goal is to preserve the most basic fundamental unit of our society, of every society on the planet, the family. It has been consistently proven that children benefit the most from being raised in a home with a father and a mother present. Some people argue that traditional marriages and families are failing anyway and they are not worth protecting. I say if children are benefiting from traditional families, we always must fight. It is always worth protecting.

This is why I stand today, urging my colleagues to support this important amendment. This issue will not go away, and that is about protecting the clergy so that they can marry men and women and not be forced by courts to do something other than what they want to do.

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

Mr. Speaker, there have been a number of points made in this debate today with doubtful validity. We are told we should pass this amendment to protect marriage. But against what threat? If Henry and Steve want to get married, maybe that is a good idea, maybe it is a bad idea, but it does not threaten the marriage of anyone else, of any man or woman who wants to get married. It does not affect them in any way. Divorce is a threat. Some of our other threats are threats, but gay marriage is not a threat to a straight marriage.

We are told we have to protect children, but children are already in the custody of straight people, of gay people, of gay couples, of individuals. If we want to protect children, we should give a legal basis to the partnership of the two people who have custody of them. Now, we are not saying that it might not be preferable to have a traditional custody arrangement, maybe it is, but this does not affect that in any way.

Nor do we say because we want to protect children that we prohibit elderly couples from getting married or sterile couples from getting married because procreation is the purpose of marriage. So this is a red herring.

We had a whole religious discussion. The fact is churches can define marriage in their point of view, any way they want. We are not telling a church you must consider this couple married from a religious point of view. We are not telling the church how to define the sacrament. We are talking about civil marriage, and churches can do what they want and regard as married whom they want, but we are talking about what the government recognizes.

We are also told that this is to protect marriage, but the amendment talks about not only marriage by, but the incidents thereof, to clearly prohibit specific rights that a State may choose to give to a gay couple, the right of inheritance, a right of visitation when one is sick in the hospital. Why should we tell the States they cannot do that at their wisdom?

We are told always by the other side of the aisle that we should protect the rights of States, but as I said a few moments ago, family law, the marriage law, divorce law, visitation law, child custody law have always been a matter for the States. Why are we preempting those State laws?

We are told we are preempting unelected judges, that that amendment is an amendment to the Constitution of the United States, that it would preempt not just judges elected or appointed. It would preempt the State legislative action; it would preempt action by the people in a referendum. That is not democratic, with a small D.

This, Mr. Speaker, is a political stunt. It is a political stunt at the expense of a minority, of an unpopular minority. That is all it is. We know it is not going to pass. We know the Senate already rejected it. So this is just a political stunt.

I appeal to my colleagues, vote ''no'' on this amendment. Leave family law where it always has been, with the State, and do not desecrate our Constitution, do not desecrate our most sacred document, our civil religion, by inserting it into an amendment to deny a basic right to an unpopular group just because we want to make a political point at the expense of that unpopular group in an election year.

Make no mistake, that is what this amendment is. That is all it is. It does not protect marriage. It does not protect children. It just makes a political point at the expense of an unpopular group, and we should not desecrate our Constitution by so doing.

Mr. Speaker, I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I rise to close and I just want to split the time between Mr. MURPHY and Mrs. MUSGRAVE.

I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. I thank the Speaker and the Members on this as I speak in favor of this amendment.

As a person who has spent my career as a child psychologist and have dealt with many children who have struggled with many problems in families, I have seen families ripped apart by so many things that sometimes law has tried to deal with. Instead, I think over the years we have cut the strength of marriage and relationships by the law and weakened the institution. We have tried to deal with relationships with no-fault divorce, with child custody, with so many other avenues; and it has not helped.

What I do say is, yes, children may be resilient and they have been able to deal with all sorts of difficulties they have faced, but the bottom line is this: I believe very strongly children need a mother and a father in the home. They need strong relationships with men and women both, and they are the ones that I believe are part of what is preserved in this amendment and why I believe we need to support this, if anything, for the sake of those children who need this kind of support in their lifetime.

□ 1330

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 1½ minutes.

Mrs. MUSGRAVE. Mr. Speaker, I just want to say to Mr. NADLER, your statements about hospital visits and those things, that was a misstatement. That is not what this amendment does. There are State legislatures that have the authority to handle all of the benefits that you have talked about, and that is what the amendment clearly states.

I would just like to say, we can look at places like the Netherlands, where since 1997 they have had registered partnership, and gay marriage since 2001. In effect, that is probably the best place to look at what gay marriage has done. The out-of-wedlock births have escalated. The divorce rate is escalating. In fact, many people in Scandinavia don't think that marriage is even relevant today.

I would say today if marriage can mean anything, eventually marriage will mean nothing.

Within the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interest of children, it is obviously a matter of public concern. Children depend on society to create institutions to keep them from chaos. That is why we have the obligation to give special support and encouragement to an institution that is necessary to the well-being of children.

I urge my colleagues to support public policy that strengthens marriage and vote in favor of this amendment.

Marriage is for Children:

1a) In setting up the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interests of children, it is a matter of public concern. Children are helpless. They depend upon adults. Over and above their parents, children depend upon society to create institutions that keep them from chaos. Children cannot articulate their needs. Children cannot vote. Yet children are society.

They are us, and they are our future. That is why society has the right to give special support and encouragement to an institution that is necessary to the well being of children—even if that means special benefits for some, and not for others. Single people are denied the benefits of married couples, for example. But this is permitted because married parenthood is essential to society. The law has always permitted the state to give special support to critical institutions, if those institutions serve a compelling interest of society. Marriage is exactly such an institution. Marriage is designed to maximize the chances that each child will be provided with a mother and a father, in a stable family setting, during the years when children are too young to fend for themselves. To redefine marriage in such a way as to remove its essential connection to parenthood is to take away its very purpose.

(1b) Only a man and a woman have the power between them to create children. Marriage as an institution helps to turn the love of a man and a woman into an instrument for the nurture and protection of children. If we redefine fathers, mothers, and parenthood out of marriage, then this precious institution will be lost.

The European Experience With Gay Marriage:

Can it be a coincidence that Scandinavia, the region with the highest out-of-wedlock birthrates in the world, was the very first place to recognize same-sex unions? Marriage was already in serious decline in Sweden and Norway when same-sex partnerships arrived, and since that time marital decline in those countries has advanced still further. But the clearest example of the effect of same-sex marriage is the Netherlands, where they have had registered partnerships since 1997 and full gay marriage since 2001. In the Netherlands, out-of-wedlock birthrates were low until the arrival of registered partnerships and gay marriage. But since the advent of registered partnerships and same-sex marriage, the out-of-wedlock birthrate has risen faster and longer in the Netherlands than in any other west European country.

(1a) What is marriage? Marriage is society's way of supporting the men and women who together make children. Children can't fend for themselves. That's why the public has always taken an interest in marriage. By supporting the institution of marriage, the state encourages the rearing of children under the secure care of a mother and father. But what would happen if we said marriage doesn't have anything to do with mothers, fathers, and children? What would happen if we said marriage is really just about a couple of adults who love each other—whether they're men and women or not?

Well, just look at Scandinavia and Holland. Over in Scandinavia they've had various forms of same-sex partnership nearly two decades. And they've had gay marriage in Holland for several years. But marriage in Scandinavia is dying, and marriage in Holland is growing progressively weaker every year. A majority of children in Sweden and Norway are now born out-of-wedlock. In some parts of Norway, as many as eighty percent of first-born children and two-thirds of subsequent children are now born out-of-wedlock. True, much of that decline took place even before same-sex partnerships came into effect. But in both Sweden and Norway, marriage continued to decline following the introduction of same-sex partnerships. Can it be a coincidence that the region of the world where marriage has traditionally been weakest was the first place to experiment with something like same-sex marriage?

The negative effects of gay marriage on marriage are even clearer in the Netherlands. Prior to the introduction of registered partnerships and later gay marriage, Holland was known for having one of the lowest out-of-wedlock birthrates in Northern Europe. Yet out-of-wedlock birthrates have been rising at an unusually rapid rate in the Netherlands ever since registered partnerships, and then formal gay marriage, were established.

In the last decade, no other West European country has seen its out-of-wedlock birthrate rise as fast as Holland's. And there were no other major legal or social changes during the last decade that might explain Holland's rising out-of-wedlock birthrate in some other way. So it looks very likely that registered partnerships and same-sex marriage have helped to hasten the unusually rapid decline of marriage in the Netherlands.

Gay marriage has helped send a message to parents in Scandinavia and Holland that being married doesn't have much of anything to do with being a parent. Nowadays, a lot of parents in Scandinavia and Holland put off getting married until after they've had a child or two, if they don't break up first—which many do. Increasingly, parents in these countries don't get married at all anymore. If marriage is disappearing in the parts of the world that have had something like gay marriage longer than anywhere else, I don't want to take a chance on gay marriage here.

1b) Marriage is not meant solely, or even mainly, for husbands and wives. Marriage exists as a public institution because children need mothers and fathers. Once marriage is treated as a mere celebration of the love of two adults, there is no reason for it to necessarily happen before children are born instead of after. And if marriage could just as well happen after children are born, it doesn't really need to happen at all. European parents have increasingly stopped marrying because they no longer think of marriage as an institution meant to bind children to mothers and fathers. Gay marriage helps Europeans to see it that way, making them consider marriage nothing more than the expression of mutual affection between two adults. But this view translates into marrying long after children are born—if parents don't break up first. It means rising rates of family dissolution. That's what's happening in Europe. Do we want it to happen in America? That the family is the bedrock of society is more than just a cliche. In Scandinavia, where they've had de facto gay marriage for some time, marriage is dying, and a huge welfare state has taken over for parents. If the family goes here in America, then we will either have the social chaos of more crime and fatherless kids, or we will have to vastly expand our welfare state. So this issue touches on the deepest problems of governance. America's system of limited government works because the family does what the state does not. Weaken the family, and government is bound to expand to take its place. That is exactly what's happened in Scandinavia.

Responding to Critics of the Scandinavia/Holland argument:

(1) I know some folks have said that same-sex partnerships haven't had any bad effects on marriage in Europe, but I don't find their arguments convincing.

(a) For one thing, some of these folks actually deny that Europe's high out-of-wedlock birthrates are a problem at all. That's just not true. In Europe, cohabiting parents break up at two-to-three times the rate of married parents. That level of family instability is very bad for children. So the European experience actually proves that it's better when parents get married.

(b) Some folks say that marriage was in trouble in Scandinavia even before same-sex partnerships came along. Well, that's true, although in most parts of Scandinavia marriage continued to decline after same-sex partnerships came along. We all know that marriage has been in trouble for some time in America, and in many other countries, for a wide variety of reasons. But if you want to see a clear case where marriage was relatively strong, and only went into serious decline after the introduction of same-sex partnerships, just look at Holland. (See 1a in the previous section for more on Holland.)

(c) Some folks claim that the Dutch example isn't a problem because out-of-wedlock birthrates have been rising almost as rapidly in Eastern Europe as in Holland. But the decline of marriage in Eastern Europe is rooted in the economic chaos that followed the collapse of communism. The amazing thing is that a prosperous Western European country like The Netherlands is experiencing the same sort of marital decline we're seeing in countries recovering from the collapse of their entire social system.

(d) Some folks say that out-of-wedlock birthrates in Sweden haven't gone up all that much since registered partnerships came along in 1994. But they're not counting from 1987, when Sweden introduced the very first same-sex partnerships in the world. Just because these first same-sex partnerships didn't include all the rights of marriage doesn't mean that they weren't a huge legal and symbolic step. Amazingly, in 1987, at the very same time that Sweden introduced the first same-sex partnerships in the world, Sweden also granted just about all the rights of marriage to unmarried heterosexual couples. So from 1987 on, Sweden's parliament sent out a powerful message that married parenthood isn't important. Same-sex partnerships were part of that message from the start.

(e) Some folks say that marriage in Denmark hasn't suffered since they adopted same-sex partnerships in 1989. Well, it's true that the Danish out-of-wedlock birthrate hasn't risen since they adopted same-sex partnerships, like it has in Sweden, Norway, and Holland. But that's a bit misleading. Actually, the rate of unmarried parenthood has increased among young people in Denmark, who are adopting the same practice of cohabiting parenthood favored in other Scandinavian countries. But the increased rate of unmarried parenthood among young Danes has been temporarily offset by marriages among older Danes.

You see, there are virtually no housewives left in Denmark. The need to support the huge Danish welfare state forces nearly all Danish women to work. And it was only in the late 1980's and 1990's that Denmark created a parental leave policy and other changes that allowed large numbers of women to take time off of work to become mothers. That policy

change unleashed huge pent-up demand among Danish women to have children, and that led to a temporary increase in the marriage rate among older Danes. But all that time, younger Danes have been taking up the practice of unmarried parenthood that is already so popular in the rest of Scandinavia.

The Slippery Slope to Polygamy, Polyamory (Group Marriage) and Parental Cohabitation:

(1) Once we say that same-sex couples can marry, it's going to be impossible to deny that right to polygamists and believers in group marriage. After all, gay marriage is being advocated on grounds of relationship equality. So if all relationships are equal, why is group marriage forbidden? And don't think it can't happen here. We already know that there are thousands of practicing polygamists in some Western states. But did you also know that there are groups of ''polyamorists'' all over the country? Just go to the Internet and run a google search on the word ''polyamory.'' The polyamorists have already had one court case trying to gain recognition for a marriage of a woman and two men. They're just waiting for gay marriage to pass to begin agitating for legalized group marriage. And after granting gay marriage on equal protection grounds, how is a court going to deny them? There are plenty of polyamorists out there, but the problem goes further than that. We now have an advocacy group called the ''Alternatives to Marriage Project'' which supports polyamory and other innovations like parental cohabitation. The Alternatives to Marriage Project is frequently quoted in the mainstream media. And believe it or not, the most powerful faction of family law scholars in our law schools favors legal recognition of both polyamory and parental cohabitation. There are even law review articles out now advocating both. And the influential American Law Institute has even come out with proposals which would grant nearly equal legal recognition to cohabiting and married parents. If we allow marriage to be radically redefined now, we will not be able to stop these further changes.

(2) Now I know that some folks scoff at the claim that same-sex marriage could lead to polygamy. But just look at what's happened around the world in the past year or so. In Sweden, which passed the first same-sex partnership plan in the world, we've had a serious proposals floated by parties on the left to abolish marriage and legalize multi-partner unions. In the Netherlands, the first country in the world to have full and formal same-sex marriage, a man and two bisexual women signed a triple cohabitation contract. When a conservative political party asked the Dutch government to withdraw recognition from that contract, the government refused. In fact, the Dutch Justice Minister said it was actually a good thing that the law was beginning to provide support for multi-partner relationships. In Canada, two out of four reports commissioned by the last government recommended the decriminalization and regulation of polygamy. True, the revelation of those reports helped Canada's Conservative Party win the last election. But the fact remains that many of Canada's legal elites want to see the abolition of traditional marriage and official recognition for multi-partner unions.

And of course, in America we've got ''Big Love,'' a popular television show on HBO about polygamy. Even a year ago, no-one would have believed it if someone had said we'd soon have a television show with polygamists as heroes. But it's happened. And next week the BRAVO Channel is going to run a sympathetic documentary about a relationship between a woman and two bisexual men. It's called ''Three of Hearts,'' and it's already played in movie theaters across the country.

The truth is, this is only the beginning. Advocates for multi-partner unions are out there, but many of them are waiting for same-sex marriage to be legalized before they make their move to gain public acceptance. Newsweek has already said that ''polygamy activists are emerging in the wake of the gay marriage movement.'' Well, just wait till gay marriage is actually legalized. If that happens, you can bet we'll see plenty more movies and television shows along the lines of ''Big Love'' and ''Three of Hearts.'' The people on the so-called ''cutting edge'' of culture in Europe and Canada have already made it clear that multi-partner unions are their next crusade, and it's happening in America even as we speak. The only way to put a stop to it is to define marriage as the union of a man and a woman.

The Threat to Religious Freedom:

(1) It's becoming increasingly apparent that gay marriage poses a significant threat to religious liberty. Scholars on both the left and right agree that same-sex marriage has raised the specter of a massive and protracted battle over religious freedom. In states that adopt same-sex marriage, religious liberty is clearly going to lose. Gay marriage proponents argue that sexual orientation is like race, and that opponents of same-sex marriage are therefore like bigots who oppose interracial marriage. Once same-sex marriage becomes law, that understanding is likely to be controlling. Legal same-sex marriage will be taken by courts as proof that a ''public policy'' in support of same-sex marriage exists.

So in states with same-sex marriage, religiously affiliated schools, adoption agencies, psychological clinics, social workers, marital counselors, etc. will be forced to choose between going out of business and violating their own deeply held beliefs. If a religious social service agency refuses to offer counseling designed to preserve the marriage of a same-sex couple, it could lose its tax-exempt status. Religious schools would either have to tolerate conduct they believed to be sinful, or face a cut-off of federal funds. It's already happening, as we've seen with the recent withdrawal of Boston's Catholic Charities from the adoption business.

Free speech could also be under threat, as sexual-harassment-in-the-workplace principles are used by nervous corporate lawyers to draw speech prohibitions on the marriage issue. Fear of litigation will breed self-censorship. One expert predicts ''a concerted effort to take same-sex marriage from a negative right to be free of state interference to a positive entitlement to assistance by others.''

Some folks say the answer to this problem is special exemptions from the law for religious conscience. But conscience exemptions would be very difficult to enact. And in Europe, which has tried this in places, conscience exemptions are breaking down and failing to provide protection for the traditionally religious.

The lesson in all this is clear. There's a lot more at stake in the battle over same-sex marriage than the marriage issue itself, important as that is. The very ability of religiously affiliated organizations to exist and operate is under threat.

Mr. HOLT. Mr. Speaker, I rise today to oppose the Federal Marriage Amendment, H.J. Res. 88.

Just a few yards down the hall from where we are debating this discriminatory constitutional amendment today, in the Rotunda of this great Capitol, stands a bust of Dr. Martin Luther King, Jr. Every time I walk through the Rotunda, I remember Dr. King's struggle and what his life meant for me and for all Americans. For too long, the inalienable constitutional rights of all Americans were denied to many of our neighbors. As the leader of the civil rights movement, Dr. King helped secure equal rights for all Americans regardless of the color of their skin.

One of the things that Dr. King fought against were the anti-miscegenation laws that existed at some point in 49 states. These laws prohibited interracial marriage and they were still in effect in sixteen states when the Supreme Court ruled them unconstitutional in 1967 because they denied the liberty of American citizens. Legal bans on interracial marriage were defended with all the kinds of arguments used by proponents of bans on same sex marriage: They would say that interracial marriages are contrary to the laws of God or contrary to centuries of social tradition or harmful to the institution of marriage or harmful to children. Would any Member of this body now defend those bans? Those bans were discriminatory and took away the rights of American citizens—in short they were what the Constitution was designed to prohibit. No one longs for anti-miscegenation laws today. We as a nation have learned from our mistakes.

Or have we?

We remember Dr. King for what he stood for, not just for who he was. As he said, ''man is man because he is free to operate within the framework of his destiny. He is free to deliberate, to make decisions, and to choose between alternatives. He is distinguished from animals by his freedom to do evil or to do good and to walk the high road of beauty or tread the low road of ugly degeneracy.''

Today, I ask, will we do evil or will we do good? Will we keep the spirit of the Founding Fathers alive? Will we respect and honor the foundations of our constitutional government or will we chart a new course and, in the name of protecting an institution that is under no threat, shred the very premise of our Constitution.

Our Constitution is the source of our freedom in this great country. For almost 220 years, the Constitution—mankind's greatest invention—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights. The inherent wisdom of the Constitution is that it doesn't espouse a single viewpoint or ideology. Rather it protects all individuals as equal under the law.

In more than 200 years, the Constitution has been amended on only 27 occasions. With the exception of Prohibition—which was later repealed—these amendments have affirmed and expanded individual freedoms and rights. Yet, this proposed amendment threatens to lead us in a dangerous new direction. This amendment would restrict freedoms, and codify discrimination into our guiding charter.

We must think deeply about the ramifications of allowing such an amendment to be ratified. It would create a group of second-

class citizens who lack equal rights due to the private, personal choices they and their loved one have made. It would also transfer to the federal government the right to recognize marriages, a power that had previously been retained by the States.

This amendment is not only discriminatory and inhumane, it is also illogical. How does this actually protect marriage? What is it exactly about same sex marriage that is putting heterosexual marriage at risk? Do the proponents of the ban on same sex marriages want to annul all childless marriages or require all newlyweds to promise to have children? Do the proponents of this ban think for a moment that the marriage of loving people of the same sex are the case of America's high divorce rate among heterosexuals. It seems to me that other factors than this are responsible for the high divorce rate.

I certainly agree that the institution of marriage and a cohesive family unit are vital to the health of our communities and the success of our society. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance our communities. In fact, it divides our communities, and shows contempt to a minority population. Throughout history, we have only moved forward when our society has come together to build a more perfect union, not intentionally divide American against American.

No one should be denied the opportunity to choose his or her life partner. It is a basic human right. It is a deeply personal decision. Attacking gay couples who want to share lifelong obligations and responsibilities undermines the spirit of community that this amendment purports to strengthen.

In 50 years will we build a statue to honor the great advances for our society that this amendment provided, as we do for the life of Dr. King? No. In the long shadow of history, this amendment and the philosophy behind it will be remembered alongside anti-miscegenation laws as offending the spirit of America and our founding principles.

I hope that my colleagues will recognize the tremendous cost this amendment will have for our freedoms and I respectfully urge them to oppose it.

Mr. TERRY. Mr. Speaker, I rise in support of H.J. Res. 88, the Marriage Protection Amendment.

Last Friday, the 8th Circuit Court of Appeals upheld the Nebraska constitutional amendment protecting marriage between one man and one woman, and affirming the legal protections and benefits reserved to this fundamental union. The amendment was approved by an overwhelming 70 percent majority in 2000.

Nationwide, 45 states have defined marriage as the union of one man and one woman or expressly prohibited same-sex marriage. Twenty states approved constitutional amendments upholding marriage; six states will vote on an amendment in November; and eight states are considering sending constitutional amendments to voters in 2006 or 2008. The 16 states that approved constitutional amendments since 2004 did so by an average 72 percent voter majority.

Even voters in Massachusetts—the first state to have its supreme court unilaterally declare same-sex marriage as constitutional—may have the opportunity to uphold marriage. The state's high court ruled last week that legislative efforts to put a same-sex marriage ban on the 2008 ballot could move forward. Recent court rulings in New York, Tennessee and Georgia have also upheld marriage rights.

The Federal Marriage Protection Amendment under consideration today would prohibit any governmental entity—whether in the legislative, executive or judicial branch at all levels of government—from altering the definition of marriage. It does not discriminate against homosexuals; it upholds and recognizes the importance of marriage between a man and a woman for the well-being of children and society at large.

Mr. Speaker, the American people want the Marriage Protection Amendment to be approved. Their will is clearly reflected through the overwhelming majorities voting for marriage protection initiatives in the states. We have a responsibility to children and families nationwide to send a clear message today that marriage will be upheld and protected. We also have a sacred duty to future generations to preserve marriage as the fundamental building block of society.

I urge my colleagues to join me in supporting H.J. Res. 88 today.

Mr. SHAYS. Mr. Speaker, today we are debating a Constitutional amendment drafted not to protect my marriage or my family—I see no reasonable way to argue it would—but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy.

I believed back in 1996, when I voted for the Defense of Marriage Act, and I still believe today, the decision about whether to recognize gay marriage should be left to the states.

I can't help but wonder . . . Why are we doing this? What are we so afraid of?

Gay men and women pass through our lives every day. There are wonderful teachers and leaders and role models who happen to be gay and sometimes we don't even know they're gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in High School 40 years ago. I learned years later he was gay and that he had commuted from Connecticut to Washington, DC, every weekend in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day, she told us she too had found the love of her life. We were eager to meet the boyfriend she was so madly in love with, but we soon learned her love was not a he, but a she.

Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress, when I worked with a magnificent young man named Carl Brown.

He became my friend and he gave me another gay face to know. Carl has since passed away, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United Staets—which established our government, grants us free speech and gives all citizens the right to vote—should not be dishonored by this effort to write indiscrimination.

I am sensitive to some of my colleague's concerns about potential biblical and social implications of legalizing same-size marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set—or reject—such policy. That debate should happened in our state legislatures.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, the House is voting to put it back in.

I can recall just a few short years ago that there were laws inscribed in some State constitutions saying that blacks and whites could not marry. We changed that.

Today, we look back on those days, and we laugh. There will come a time when generations yet unborn will look back on this Congress, look back on this debate, and laugh at us. This is not a good day in America. This is a sad day in the House of the people.

This is unbelievable. It is unreal. I thought as a Nation and as a people we had moved so far down the road toward one family, one House, one America. To pass this legislation would be a step backward.

The institution of marriage is not begging this Congress for protection. No one is running through the halls of Congress. No one is running around this building saying protect us.

Whose marriage is threatened? Whose marriage is in danger if two people, in the privacy of their own hearts, decide they want to be committed to each other? Whose marriage is threatened? Whose marriage is in danger if we decide to recognize the dignity, the worth and humanity of all human beings?

The Constitution is a sacred document. It defines who we are as a nation and as a people. Over the years, we have tried to make it more and more inclusive. We cannot turn back. We do not want to go back. We want to go forward. Today it is gay marriage; tomorrow it will be something else.

Forget about the politics; vote your conscience. Vote with your heart, vote with your soul, vote with your gut. Do what is right and defeat this amendment.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 88, the so-called Marriage Protection Amendment, which proposes an amendment to the U.S. Constitution to ban same-sex couples from getting married or receiving any of the rights of marriage.

The right-wing political machine is churning out divisive legislation at a record pace as we get close to the election, but this is a particular low point. We can all have a good laugh at the pandering Republican majority when they claim that banning flag burning will make us more patriotic or that school prayer will prevent teenage pregnancy, but this proposal would, for the first time ever, target a specific group of Americans in our most sacred document, and permanently ban them from having equal rights under the law.

The proposed amendment not only bans marriage, but any of the ''legal incidents thereof,'' meaning that the proponents think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partner in the

hospital. I vehemently oppose this discrimination.

Oh, and I forgot to mention that this amendment has already failed once in the House and twice in the Senate, so today's vote is all a terrible waste of time. What we should be doing is passing legislation to address real problems in America today. Rather than insult a group of people as deserving of protection under law as any other, Congress should work to reduce domestic violence, provide high quality childcare to all families, and make the minimum wage a living wage. These actions would actually prevent divorce in America and strengthen our families.

Citizens of the United States are guaranteed equal treatment under the law, even if voters in red states don't like them. I urge my colleagues to vote against this nonsense.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 88, the so called Federal Marriage Amendment. This bill would turn over 200 years of State jurisprudence on its head, attempting to Federalize marriage.

This resolution is another attempt to mandate one definition of marriage upon the States. I ask my colleagues if we take away this right from the States, what's next? Where does it stop? Take away local decisions for education or child custody issues. Between the consideration of this bill and the court stripping bills that we will take up this week, it leads me to believe, Mr. Speaker, this is just another cynical political ploy by the majority during an election year.

Like Vice President CHENEY and former Representative Bob Barr, I believe the voters of each State should decide for themselves who can and cannot marry. It has always been a State function. It should remain so. To take away that right of the State to decide this issue, we endanger basic principles of the Federal system in which we live. As our Constitution so eloquently states in the Tenth Amendment of our Federal Constitution, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

Mr. Speaker, amendment of our Constitution has happened only 17 times since the Bill of Rights was passed. Some of those amendments do not look so good today. Many of those not adopted now look worse. We should not lightly tamper with the perfection, beauty and majesty of our great Constitution.

There have been no Committee hearings, no time to look at different amendment proposals, and no opportunity to have the important deliberations that should take place when amending the Constitution. We have heard nothing from our concerned citizens and from our Constitutional scholars.

The issue before us today is not whether you are for or against gay marriage. It is whether or not we should Federalize marriage and take away the right of the States to define marriage.

Now Mr. Speaker, I supported the Defense of Marriage Act and continue to do so. At this point, the Defense of Marriage Act remains the law of the land. It works. Nothing yet threatens this law. Nothing more needs to be done on this matter.

Those proposing this amendment rely on hypothetical dangers to try and push through a dramatic, but mischievous change to our Constitution. I am opposed to taking away the right of each State to have its citizenry decide how to define marriage. It seems to me too many people are meddling in this matter for political reasons. Let the States continue to decide sound public policy on this subject.

We must never rush to amend our Constitution. Mr. Speaker, I oppose this bill and ask for my colleagues to vote against this iniquitous, politically inspired, and destructive legislation.

The Constitution is not a laundry list to be amended on whim or caprice. It is a great, noble and living document, not to be trivialized by amendments which are unnecessary. This amendment is for useless political purposes and should be defeated as an affront to our great and majestic Constitution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as a proud husband and father, I value family above all else and strongly support the traditional family: the union of a man and a woman. This union is the cornerstone of our society, and plays a vital and unique role in our children's lives and in our communities.

Today, we considered H.J. Res. 88, The Marriage Protection Amendment. This legislation seeks to alter the United States Constitution—the bedrock of democracy and the basis of our Republic for 217 years—to define marriage as the union between one man and one woman. The U.S. Constitution embodies the federalist principles this country was founded on and should be held to the highest standard. It should only be altered in the most extreme circumstances. I believe opening this document to allow such a narrow definition could lead to unintended consequences in the near and far future. Our commitment to federalist principles and to this great Republic must supersede all debates of the day.

Furthermore, I strongly believe that one of the most important powers reserved to the States as a result of the 10th Amendment is the act of regulating marriage and family law. This right of States to self-determination has protected and sustained our Republic for more than 200 years.

While serving in the Florida Senate in 1997, I voted to support a statute stating that marriage is the union of one man and one woman. This statute became State law and was in response to action taken by the U.S. Congress to ensure the right of the States to define marriage.

In 1996, the U.S. Congress passed the Defense of Marriage Act, DOMA, which was subsequently signed into law. DOMA provides each State the discretion to determine whether to recognize a same-sex marriage license issued by another State. I strongly support DOMA because it protects the right of States to self-determination.

On July 22, 2004, I supported the Protection of Marriage Act which would have permitted States to reject same-sex marriages from other States without interference by Federal courts.

Since the passage of DOMA, 45 states, such as Florida, have banned gay marriage by statute or in their Constitutions, and numerous court decisions have upheld these laws. Where judicial activism has threatened traditional marriage, the people have acted to protect it, such as in the State of Massachusetts, where a ballot initiative is being circulated to overturn a court ruling allowing for same-sex marriage.

Moreover, it is my belief that the U.S. Supreme Court will ensure that States' rights and the institution of traditional marriage are upheld. Additionally, as a result of past Supreme Court decisions, exemptions have been made to the ''Full Faith and Credit Clause'' that apply to DOMA. If the Supreme Court, at any point in the future, did attempt to redefine marriage as something other than the union between one man and one woman, I want to be clear that I would determine it an extreme circumstance and would at that time advocate a Constitutional Amendment.

Congress must be diligent in its efforts not to overstep and impede on more than two centuries of a successful Republic without absolute necessity. I strongly believe that marriage should only be the union between one man and one woman, but I do not believe that the threshold for constitutional change has been reached.

Mr. KIND. Mr. Speaker, I rise to express my disappointment that this body has brought the Marriage Protection Act to the Floor at a time when American families are dealing with skyrocketing health costs, rising gas prices, and loved ones who are serving the Nation overseas. Mr. Speaker, is the matter before us today truly the most important subject for Congress to debate?

This is not to say that I believe the issue of gay marriage to be unworthy of discussion. I understand that some people firmly regard gay marriage as a civil right while others find it antithetical to their religious or moral beliefs. Reasonable people can disagree on this issue, and it is a subject which our country must continue to discuss. In America, however, the authority to grant legal status to a marriage has been a function reserved for the States, and different States have different laws regarding issues ranging from blood-testing to waiting periods before marriage.

Some, including the proponents of this bill, will argue that an amendment to the U.S. Constitution is necessary to keep one State from forcing another to accept same-sex marriages. In fact, this is not necessary because of the 1996 Defense of Marriage Law, which provides that States, U.S. territories, or Indian tribes do not have to recognize same-sex marriages granted by other States. Further, the Act defines marriage, for the purpose of Federal benefits and rules, as the legal union between one man and one woman. Therefore, the Wisconsin law which recognizes marriage as a relationship between a husband and wife is protected.

Mr. Speaker, when it comes to amending the United States Constitution, I am very conservative. Like Republican Senator CHUCK HAGEL, conservative columnist George F. Will, and the Republican author of the Defense of Marriage Act, Bob Barr, I am opposed to amending the Constitution for the purpose of outlawing gay marriage. In its 2l5-year history, the Constitution has been amended only 27 times, and we must not add amendments limiting rights rather than expanding them.

DICK CHENEY has stated ''With respect to my views on the issue, I stated those during the course of the 2000 campaign, that I thought when it came to the question of whether or not some sort of legal status or legal sanction were granted to a same-sex relationship that that was a matter best left to the States. That was my view then. That's my view now.'' (Scripps Howard News Service, January 9, 2004). As recently as August, 2004, Vice President DICK CHENEY, speaking

of gay marriage, affirmed that, ''marriage has historically been a relationship that has been handled by the States.'' Like Vice President CHENEY, I do not believe the U.S. Congress needs to intrude on this State issue. Because of my great respect for the Constitution, and for the Federal nature of the government which the document dictates, I oppose this resolution, and I urge my colleagues on both sides of the aisle to do the same. Because of illness, I was unable to cast my vote on today's amendment; had I been able to, I would have voted ''no.''

Mr. UDALL of Colorado. Mr. Speaker, I cannot support changing the Constitution along the lines of this proposal—so I will not vote for this resolution.

Under our federal system, there are many matters where the states have broad latitude to shape their laws and policies in ways their residents think fit, subject to the U.S. Constitution's provisions protecting individual rights. And one of those areas has been family law, including the regulation of marriage and divorce. But this amendment would change that.

Adoption of this amendment would for the first time impose a constitutional restriction on the ability of a state to define marriage. And it would do so in a way that would restrict, not protect, individual rights that now are protected in at least some states. I think this is not necessary or appropriate.

Some of the resolution's supporters say it is needed so a state whose laws ban same-sex marriages or civil unions will not be forced to recognize such marriages or unions established under another state's laws.

They say this could happen because Article IV of the Constitution requires each state to give full faith and credit to another state's public acts, records, and judicial proceedings. But my understanding is that this part of the Constitution has never been construed to require states to recognize the validity of all marriages of people from other states.

Instead, over the years various states have refused to recognize some out-of-state marriages—and the ''full faith and credit'' clause has not been used to force them to do otherwise—because marriages are not judgments but civil contracts that a state may choose to recognize as a matter of comity, not as a constitutional requirement.

As if this were not enough, in 1996 Congress passed and President Clinton signed into law the Defense of Marriage Act. That law says ''No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.''

Not everyone supported that bill at the time. But it did pass, and now that law is on the books and has not been successfully challenged.

Given this history, I am not convinced that this constitutional amendment is necessary to prevent the full faith and credit clause being used to compel a state to recognize a same-sex marriage.

Moreover, when you focus on the language of the proposed amendment it becomes clear that protecting states is not its real purpose.

That purpose could be achieved by an amendment to the full faith and credit clause—perhaps by putting language along the lines of the Defense of Marriage Act into the constitution itself. But that is not what is being proposed here.

Instead, this amendment would restrict states, by establishing a single definition of marriage—the only definition that any state could recognize.

And, unlike other constitutional amendments, it would not protect individuals either. It would write into the Constitution a new limit on what legal rights they could hope to have protected by a state or the federal government.

If adopted, this amendment would restrict individual liberties instead of expanding them. So, I think it is clear the real purpose of this amendment is to lay a foundation for discrimination against some Americans on the basis of their sexual orientation. In good conscience, I cannot support that.

Mr. Speaker, no proposed constitutional amendment should be taken lightly. On the contrary, I think such proposals require very careful scrutiny and should not be adopted unless we are convinced that a change in our fundamental law is essential.

I do not think this resolution meets that test, and so I will vote against it.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.J. Res. 88, the Marriage Protection Amendment. Passage of this resolution will not protect marriage, and I am concerned it will create the opposite effect of what its proponents seek to accomplish.

Let me first state that I believe that marriage is a sacred union between one man and one woman. I strongly support the federal Defense of Marriage Act (DOMA) passed by Congress and signed into law in 1996.

Second, marriage is an issue that our Founding Fathers wisely left to the states. The Tenth Amendment to the Constitution states, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

No Congress ever has seen fit to amend the Constitution to address any issue related to marriage. No Constitutional Amendment was needed to ban polygamy or bigamy, nor was a Constitutional Amendment needed to set a uniform age of majority to ban child marriages.

So why do proponents argue that we must take this unprecedented step now to ban same-sex marriages?

They claim that without the Amendment, states will be forced to recognize same-sex marriages performed in other states. Yet the Defense of Marriage Act not only prohibits federal recognition of same-sex marriages, it allows individual states to refuse to recognize such unions performed in other states. And in the nearly 10 years that have passed since its enactment, DOMA never has been invalidated in any court in the country. The authors of DOMA took the greatest pains to write a law that is constitutional and will withstand judicial challenges.

Proponents also claim that amending the Constitution is the only way to prevent so-called activist judges from legislating matters of same-sex marriage. Yet amending the Constitution to address marriage could invite federal judicial review not only of marriage, but of divorce, child custody, inheritance, adoption, and other issues of family law. Not only would this violate the principles of federalism, it would create very bad public policy.

Mr. Speaker, no legislature in the country has established same-sex marriage in statute. In fact, 45 states, including Illinois, have adopted laws limiting marriage to one man and one woman.

I urge my colleagues to have faith in our system of government, keep marriage out of the Constitution, and allow the states to continue to exercise what is best left to them.

Mr. HERGER. Mr. Speaker, I rise in strong support of House Joint Resolution 88. Most Americans believe that marriage should be defined as the legal union of one man and one woman. But as we have seen in the past several years, attacks on marriage by unelected and unaccountable judges threaten to destroy this long-standing and widely accepted institution. I firmly believe that activist judges should not be able to overturn the marriage laws of almost every state based on bizarre legal theories. Although I believe we must be extremely careful in amending the Constitution, this is a critically important issue for our country. We must place the vital institution of marriage beyond the reach of activist courts.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to H.J. Res. 88.

Instead of spending time working on the issues that really matter to the American people, we are here debating a proposed amendment that would write discrimination into the Constitution.

We do this even after the Senate failed to pass a similar amendment.

So let's be clear, regardless of what the vote is today, this amendment is going nowhere.

This makes our time on this even more pointless.

What this debate really is about is dividing our country and riling up the base for a Republican party increasingly concerned about their election prospects this November.

And the Republican leadership is willing to trample on our Constitution in order to do so and no issue is worth paying such a price.

Instead of debating discrimination and dividing our country, why don't we spend our time working to make health care more affordable, work to lower gas prices and achieve energy independence, raise the minimum wage, cut the cost of college or work to ensure our hard-working constituents a dignified retirement?

Why is it that my Republican colleagues who talk so much about family values refuse to allow our families to earn a livable wage, refuse to fix the prescription drug program and turn their backs on our children by raising the interest rate on all student loans?

We must resist this divisive use of this House to score a few political points. We must reject this effort.

We need real leadership that will bring our country towards a new direction.

There is a new direction that our country must go in that will help American families and address the issues that impact them every single day.

Mr. MEEK of Florida. Mr. Speaker, I rise to voice my strong opposition to H.J. Res. 88, a proposed Constitutional amendment that would prohibit same sex marriages. This proposed amendment is not directed at any real problem, other than the apparent need of the Republican leadership to gin up political support for their candidates.

It is sad that the Republican leadership is not as interested as they say they are in protecting the institution of marriage as they are

in waging a campaign to divide and distract the American people from the real issues that need to be addressed. The Nation is at war in Iraq; we face crises in Iran, North Korea and Lebanon; the federal deficit is soaring out of control as more and more U.S. debt is controlled by countries like China; energy costs continue to rise and Americans wait for Congress to act to increase the minimum wage. The Republican response: wasting hours of debate on an unnecessary Constitutional amendment that had already been defeated in the Senate.

Studies have consistently shown that financial hardship is the biggest obstacle to heterosexual marriage, yet the Republican leadership has done precious little to help address the financial hardship faced by American families.

American families need job security; better child care options; national flextime policies that allow more young parents to work from home and to be with their families; better public schools; federal policies to make sure college is affordable; housing policies that promote the construction of homes that working families can afford; and health care so that no child has to go without the medical and dental treatment he or she needs.

Instead, today, we vote on an effort to single out one group of Americans, in a pointless, partisan move that does nothing to address the major challenges facing our Nation—education, the economy, energy, homeland security and the war in Iraq.

For over 200 years, our Constitution has defined our Nation and protected individual rights. It is a document of empowerment, not limitation. While the Constitution has been amended, it has been done so only to protect and expand individual liberty, not to deny it.

Americans see this amendment for what it is: a partisan waste of time, and that is why we need a new direction in Washington that would prioritize the needs of every-day working people.

Mr. Speaker, I oppose this resolution, and I call on my colleagues to join me in defeating it.

Mr. VAN HOLLEN. Mr. Speaker, I oppose this constitutional amendment to ban gay marriage. The legislation before us today is nothing more than an attempt by the Republican leadership to exploit a wedge issue that panders to their political base and diverts attention from their abysmal record of non-accomplishment and rubberstamping the incompetence of the Bush Administration.

As we get closer to the end of this Congress, we should be addressing the urgent needs of the American people—the war in Iraq, affordable health care, a sensible energy policy, quality education for our children, retirement security, and a sound and fair fiscal policy.

Whatever one's view is on same sex marriage, amending the Constitution is not the place to address this issue. The laws governing marriage fall under the domain of the states and that is where this issue should be addressed. Amendments to the Constitution have historically expanded, not diminished, the rights and liberties of the American people. We should not use the Constitution as a political tool to divide us. The American people will see through the motivations behind this amendment—to distract the American people from the failed record of the Republican leadership in the Congress.

Mr. Speaker, I urge my colleagues to work to unite the American people, address the real issues facing our Nation, and reject this amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 918, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KINGSTON. 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 236, nays 187, answered ''present'' 1, not voting 9, as follows:

[Roll No. 378]

YEAS—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—9

Brown (OH)
Davis (IL)
Evans
Hinojosa
Johnson, Sam
Kind
McKinney
Northup
Strickland

□ 1400

So (two-thirds of those voting having not responded in the affirmative) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, during rollcall vote No. 378 on July 18th I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. BROWN of Ohio. Mr. Speaker, regarding the Federal marriage amendment, I was detained coming in from the airport, missed the vote by 4 minutes, and would have voted ''nay'' on the Federal marriage amendment, rollcall 378.

Mr. STRICKLAND. Mr. Speaker, on rollcall 378, which I missed as a result of my being detained at the airport, I indicate for the RECORD that I would have voted ''nay'' had I been here for that vote.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained in meetings downtown with my constituents. Had I been present, I would have voted "nay" on rollcall 378 because I continue to believe the issue of what constitutes a marriage should be left to the states to determine. I also believe that we should not set a precedent by amending the constitution in a way that narrows the rights of individuals.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 88.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SENSE OF CONGRESS REGARDING WELFARE REFORMS

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 438) expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The Clerk read as follows:

H. CON. RES. 438

Whereas the Temporary Assistance for Needy Families (TANF) program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty;

Whereas there has been a dramatic increase in the employment of current and former welfare recipients;

Whereas the percentage of working recipients reached an all-time high in fiscal year 1999 and held steady in fiscal years 2000 and 2001;

Whereas, in fiscal year 2004, 32 percent of adult recipients were counted as meeting TANF work participation requirements, significantly above pre-reform levels;

Whereas earnings for welfare recipients remaining on the rolls also have increased significantly, as have earnings for female-headed households;

Whereas single mothers, on average, earned $13.50 per hour in 2004, almost three times the minimum wage;

Whereas the increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or current welfare recipients;

Whereas welfare dependency has plummeted;

Whereas, as of September 2005, 1,887,855 families, including 4,443,170 individuals, were receiving TANF assistance, and accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 56 percent and 61 percent, respectively, since the enactment of the TANF program;

Whereas, since the enactment of welfare reform, the number of children in the United States has grown from 69,000,000 in 1995 to 73,000,000 in 2004, which is an increase of 4,000,000, yet 1,400,000 fewer children were living in poverty in 2004 than in 1995—a 14 percent decline in overall child poverty;

Whereas the poverty rates for African-American and Hispanic children also have declined remarkably—20 percent and 28 percent, respectively, since 1995;

Whereas, as a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment;

Whereas the birth rate to teenagers declined 30 percent from its high in 1991 to 2004. The 2004 teenage birth rate of 41.2 per 1,000 women aged 15 through 19 is the lowest recorded birth rate for teenagers since 1940;

Whereas, during the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such declines also have spanned age, racial, and ethnic groups;

Whereas there has been success in lowering the birth rate for both younger and older teens;

Whereas the birth rate for those aged 15 through 17 declined 43 percent since 1991, the rate for those aged 18 and 19 declined 26 percent, and the rate for African American teens—until recently the highest—declined the most—falling 47 percent from 1991 through 2004;

Whereas, since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to over $22,000,000,000 in fiscal year 2004;

Whereas the number of paternities established or acknowledged in fiscal year 2003—over 1,600,000—includes an almost 300 percent increase in paternities established through in-hospital acknowledgement programs promoted by the 1996 welfare reforms, and there were almost 915,000 paternities established this way in 2004 compared to 324,652 in 1996;

Whereas child support collections were made in nearly 8,100,000 cases in fiscal year 2004, significantly more than the almost 4,000,000 cases in which a collection was made in 1996;

Whereas the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment, and to encourage the formation of 2-parent families;

Whereas annual Federal funding for under the new TANF block grant program have been held constant at the all-time highs set in 1995, despite unprecedented welfare caseload declines and despite the fact that States may spend as little as 75 percent as much as they spent spending under the prior AFDC program;

Whereas total welfare and child care funds available per family increased over 130 percent between 1995 and 2004, from $6,934 to $16,185;

Whereas child care expenditures have quadrupled under welfare reform, rising from $3,000,000,000 in 1995 to $12,000,000,000 in 2004;

Whereas, under the TANF program, States have enjoyed significant new flexibility in making policy choices and investment decisions best suited to the needs of their citizens;

Whereas, despite all of these successes, there is still progress to be made;

Whereas significant numbers of welfare recipients still are not engaged in employment-related activities;

Whereas, while all States have met the overall work participation rates required by law, in an average month, only 41 percent of all TANF families with an adult participated in work activities for even a single hour that was countable toward the State's work participation rate;

Whereas, in 2002, 34 percent of all births in the United States were to unmarried women;

Whereas, despite recent progress in reducing teen pregnancy in general, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically to 80 percent in 2002 from 30 percent in 1970;

Whereas the negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented;

Whereas the negative consequences include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, teen parenthood, and decreased likelihood of having an intact marriage during adulthood, and these outcomes result despite the often heroic struggles of mostly single mothers to care for their families;

Whereas there has been a dramatic rise in cohabitation as marriages have declined;

Whereas an estimated 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood;

Whereas children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families;

Whereas children who live apart from their biological fathers are, on average, more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal

behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father;

Whereas, despite the strenuous efforts of single mothers to care for their children, a child living with a single mother is nearly 5 times as likely to be poor as a child living in a married-couple family; and

Whereas, in 2003, in married-couple families, the child poverty rate was 8.6 percent: in households headed by a single mother the poverty rate was 41.7 percent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, as promoted by the welfare reforms in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, are very important Government interests and should remain priorities for the responsible Federal and State agencies in the years ahead for assisting needy families and others at risk of poverty and dependence on government benefits.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 438. This resolution does something we don't do enough of in this institution: It takes a look back at what Congress tried to do in the previous years and assesses whether we got it right. As the text of the resolution suggests, many people, including some former critics, think we got it right.

Mr. Speaker, the results of the 1996 welfare reform are remarkable in terms of achieving and in some cases exceeding the goals the Nation laid out when Congress took on this challenging issue. Former Wisconsin Governor and Health and Human Services Secretary Tommy Thompson has called welfare reform one of the most successful social policy changes in U.S. history, and I think he is right. In terms of reducing dependence, promoting work and earnings, and reducing poverty, it would be hard to mask the outcomes of these reforms.

I would also like to thank my colleague CLAY SHAW for his steadfast leadership and tireless work to enact these remarkable reforms. Welfare reform did not happen overnight. And it would not have happened without his strong leadership.

Ten years ago today, this House passed what went on to become the landmark 1996 welfare reform law. At that time nearly 12 million parents and children were dependent on the government. Today, after 10 years of reforms and much success, that number is down to fewer than 5 million individuals dependent on welfare checks for support, a decline of an unprecedented 64 percent, almost two-thirds. Millions of those families now collect a paycheck instead of a welfare check. Since welfare reform was enacted, we have seen a sharp increase in work among welfare recipients. This is a stark contrast to the Nation's former welfare program under which there was no incentive to work. In fact, the prior program actually punished work. But today, because of welfare reform, work among those on welfare has more than doubled. And to support working families, the amount taxpayers provide for child care has tripled from $4 billion to nearly $12 billion today.

Back in 1996, welfare reform opponents argued that if enacted, this law would result in millions of additional children living in poverty. However, they were wrong with this prediction as they were with all their other predictions about what this law would accomplish. Compared to 1996, 1.4 million fewer children are in poverty today. This is a direct result of the pro-work, pro-family policies passed in 1996 and which are still in place today.

Earlier this year, the House accompanied by the Senate sent President Bush legislation to extend and strengthen the 1996 reforms to help even more low-income parents go to work. All States are now busy revamping their programs to meet that challenge. Based on the results of the 1996 reforms, we should have great confidence that millions more families will succeed in finding and keeping jobs in the years ahead. That is something every Member and, indeed, every American should support.

Again, I would like to thank CLAY SHAW for all his work in this area over so many years. I look forward to continuing to work in the years ahead to support all families in their efforts to end their dependence on government assistance.

I urge all my colleagues to support this resolution.

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

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

We have before us today a Republican resolution that should be backdated to the last Democratic President, if it is to be honest, because when America actually made great strides in decreasing poverty it was during that administration. But that is not what we are about today. This is a PR event.

H. Con. Res. 438 is a Republican attempt to take a victory lap on something they have done right. I mean on the war and gas prices and everything else, they cannot say anything. But in the run-up to this election, they are borrowing the vision and the success under the leadership of Mr. Clinton.

The resolution is not about reducing poverty. It is about increasing Republican poll numbers. America's poor and disadvantaged deserve a fair shake, not a glad hand.

It is unmistakably clear that domestic priorities under the current Republican administration and Republican Congress have focused on the rich, not the middle class, not the working class, and certainly not the disadvantaged class. And the record will show the great strides we have made to reduce poverty peaked in the year 2000, the beginning of the Bush administration, and they have been on a downward spiral ever since. The rate of poverty has been climbing during the Bush administration. The number of two-parent families living in poverty has increased during the Bush administration, and the number of American children living in poverty has also increased during the Bush administration.

Now, you have to draw the line somewhere; so I intend to vote ''no'' because I want a real agenda for reducing poverty in America. Congress needs a renewed commitment, not a disingenuous celebration. It was the pre-Bush economy that boosted the value of work. And that is not all. This resolution ignores the domestic priorities championed by Democrats that have made a meaningful difference in the lives of ordinary Americans, like the earned income tax credit.

Instead of a resolution meant to increase the poll numbers, we ought to be passing legislation to increase the minimum wage. We have tried and we have tried, and you can really do something for poverty if you would do it. In one stroke we could do more to reduce poverty in this country than all the resolutions that you have offered since the President took office 6 years ago.

That is an honest assessment of the situation. There is a concurrent resolution I authored with Mr. LEVIN. Since the Republicans will not allow us to consider it, let me take a moment to discuss it. It offers an honest assessment of where we are today. It highlights the progress made in the second half of the 1990s on poverty and unemployment. It also makes it clear that poverty has increased since 2000 with more than 5 million more Americans falling into poverty, including 1.5 million children. If you call that success, it is a strange success.

The percentage of single moms who are working today has declined by 4 percent since the beginning of the Bush administration. And we are sticking the States with new unfunded mandates; so there will be much less money available in the next several years to deal with this growing problem. That is the Republican solution.

Our resolution makes reducing poverty a national priority, not wishful thinking, by supporting the States,

who are the Nation's first responders in fighting poverty. We would like to have a great debate over whether or not America's best interest is served by a Republican resolution created for the campaign trail or by a Democratic resolution created to meet America's needs. As it now stands, the debate is about Republican photo ops and press releases, which I am sure have already been mailed.

This resolution is designed by the Republicans so that they can try to take a victory lap after some successes in the welfare. But there cannot be a victory lap because the race is not over. Poverty is up, wages are down, and the working poor are losing in the Bush economy.

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

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

It would be nice if today we could all work in a bipartisan way to take credit for something that Congress has done which has been so incredibly successful. I really regret the negative tone I hear from my good friends on the other side of the aisle.

They made the comment that President Clinton had signed this. I think we should let the history speak for itself.

□ 1415

The fact is, after the Democrats opposed this legislation every inch of the way, opposing it in subcommittee, opposing it in the full committee, opposing it on the House floor, voting against it, and then having President Clinton vetoing it, not once, but twice, and only before the election where he was afraid that maybe the people might throw him out if he continued to oppose it did he finally sign it, did we finally get it. And after these dire predictions that the sky was going to fall in, that we have these incredible results that we have, again, it would be nice if we could all take credit here for something we have done well. It is regrettable we can't.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW) and ask unanimous consent that the gentleman control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. SHAW) will control the balance of the time.

There was no objection.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), who has a different view of welfare reform as the Governor of a State who did a tremendous job in that capacity at the time we were changing welfare reform and the way it served America.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding and for the wonderful job he has done on this.

We started on welfare reform in Delaware very early on, long before the Federal Government started to look at it, and, obviously, it involved people having to go to classes and having to go to work. It was rather unique at the time.

I remember going to the first class, it was 19 people, 18 women and a man, and I sort of trembled. I was Governor of Delaware and I was a little nervous about that because I figured they wouldn't be receptive at all.

My mind was completely turned around going to that class when those 19 individuals said thank you for giving us the opportunity. They were being educated at that point. I went to their graduation later. They then went on to get jobs, and they subsequently went off welfare and became contributing citizens.

I can't tell you the value of this program, the self-esteem of individuals who have been through this. You can look at the statistics, be it 40, 50, 60 percent, in the various States, and that is about where it is, for the reduction of people on welfare. And you say perhaps it saved money, although, frankly, it doesn't save a lot of money. It costs a lot to educate and day care and everything else.

But the bottom line is that we have actually helped individuals. Indeed, it is a program which I think Republicans and Democrats have been supporting and should take credit for. And I certainly give some credit to President Clinton, because I worked with him as a Governor on this program as well.

But it has made a huge difference in their mindset. It has made a huge difference in their families' mindset. It has made a difference in the children of these individuals, who see their parents going off to work and earning a living, perhaps having a little more spending money and being able to hold themselves high as far as their immediate society is concerned.

This has been a highly successful program. It is true, I think, what Tommy Thompson said about it, and that is it is perhaps the greatest social reform program we have seen in this country.

Every now and then something comes along which really can make a difference in the lives of people. I just would like to thank all those who worked on this, and I worked with some of them, mostly members of the Ways and Means Committee when they were working with CLAY SHAW and others, because there was a lot of opposition to this.

But, indeed, it is a program which worked, it is a program which should be continued and expanded if possible, and it is a program for which I think we will always look back and be able to take some good positive credit for.

Mr. MCDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. STARK).

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

Mr. STARK. The resolution before us, Mr. Speaker, ignores the realities of increasing child poverty, stagnating wages and lost opportunities for those families and children left behind by the so-called success of the welfare reform. Pilot SHAW has landed his plane on the aircraft carrier and said ''mission accomplished,'' and the carrier sank.

This resolution, looking at a 10-year window, ignores the disturbing trends of the last 5 years during the Bush Republican Presidency. Total poverty has increased for 4 consecutive years, and more than 37 million people are living in poverty today. Child poverty has been on the rise for 5 straight years, and 13 million children are struggling in poverty today. Real wages for low-income workers have been stagnant for 5 consecutive years. It is time for the minimum wage to be raised, but the Republicans don't care to represent poor people, only rich.

Nearly one in three poor single women are not working and not receiving TANF assistance, and fewer than half of the families eligible for TANF receive it. Child care funding under the Republicans is $11 billion short of what CBO estimates the States need. The administration funneled $2 billion alone to religious organizations, trusting in this faith-based stuff, and the GAO has found the Bush faith-based initiative lacks accountability and safeguards against discrimination. And this has been, as Congressman SHAW would claim, the most successful social policy in history.

What is it, sir, that you don't understand about the word ''failure''? Instead of engaging in this political public relations charade, we should be working on a bipartisan basis to confront realities of poverty in this country. We should move ourselves into the present and work to ensure that we provide States with the resources they need to move families out of poverty, instead of wasting time defining marriage.

We should focus on real programs that help families improve their lives. We need to improve their lives, expand the Earned Income Tax Credit, raise the minimum wage, increase access to Medicaid and Medicare, CHIP and food stamps. We need to provide work supports such as sufficient funding for children, remove the barriers to employment, provide education and training opportunities and get to work and solve the problem of poverty, instead of making tax cuts for the very rich and ignoring the middle class and doing it on the backs of the poor. That is the Republican way. The Democrats' way is to help everybody in this country rise out of poverty.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the gentleman who as chairman of the Human Resources Subcommittee when I was a freshman was one of the key players in steering the welfare reform through.

I was a freshman when our new majority came to power and was determined to do things differently. As a result, we were able to push forward on a key initiative to change the welfare system in a fundamental way. We were successful. We came up against terrific resistance, initially resistance from the administration; but we were able to steer it through. Ten years later it is clear that we were successful.

As the gentleman said, this is a profoundly successful social reform. It is the most successful reform for bringing people out of poverty that we saw in the 20th century.

We have seen dramatic reductions in welfare dependence, fewer families in poverty, increases in work and earnings and declines in waste, fraud and abuse of welfare benefits. And this has occurred, I believe, in the context of a clear contrast, because they took a completely different position when we put forward this new welfare reform initiative.

May I quote the gentleman who is managing the time on the other side. It was just 10 years ago that he said of this legislation: ''It will put 1½ million to 2½ million children into poverty. In about 1998, you are going to start to see the impacts on cities, with more homeless families. They can't pay their rent. You will wind up with people living under bridges and in cardboard boxes.'' That is what Mr. MCDERMOTT said in 1995.

The reality is that we brought people out of poverty, we have brought the caseloads down, we have given the States more flexibility to deal with welfare problems. And it was this majority that fought them, fought them successfully, got a bill to the White House that that President could sign, and, in the process, started a transformation of our welfare system which continues today.

Mr. Speaker, we should celebrate this landmark and move forward with further reform of the welfare system.

Mr. MCDERMOTT. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, the majority says they want to recognize the past. What you are doing in this resolution is to twist it. So let me say again what the facts were.

The bill was vetoed by Mr. Clinton, by the President, because of inadequate child support and inadequate health care provisions. He so stated. He had started this effort to reform welfare, but the inadequacies in the bills that came before him required a veto.

What was the result of the veto, of the two vetoes? Money was put in for child care and for health care. It is ironic that this resolution brags about the amount of money for child care. Without those vetoes, a lot of those moneys never would have been in welfare reform.

The same is true of transitional Medicaid.

So come here, but don't, for totally partisan electoral purposes twist the history of this. You are twisting it. Maybe you think it will gain you a few votes, but you lose your credibility and you lose any chance of proceeding on a bipartisan basis.

You did the same thing in the bill that was passed just some months ago on welfare reform. You cut child support. This resolution talks about child support collections increasing; but in the bill that was passed recently, you made arrangements for a reduction in child support estimated by CBO to be $8.4 billion over the next 10 years.

You talk in this resolution about giving States ''great flexibility in the use of Federal funds.'' That was one of the advantages of the 1996 legislation and that is one reason why a good number of Democrats voted for it.

In the 2006 legislation, you reduced the flexibility of the States. I want to just refer to some of the programs that the States have used that would probably be disentangled by this 2006 legislation:

The Portland Program, that has some strategies so that people can upgrade their skills and get out of poverty. The Corpus Christi Employment, Retention and Advance Program. The Maine Program, that does rely on some higher education, including a 4-year degree. And also the Utah Program, that was very advanced in terms of addressing substance abuse and mental health. So you essentially have reduced the flexibility of the States.

Let me talk for a moment about poverty and what was the main problem with the 2006 legislation. The data that we have show this, more or less, that 60 to 70 percent of the people who have moved from welfare to work have been earning less than 42 percent of the median average wage in their States.

We were hopeful in the 2006 legislation that we would take a further step in welfare reform, that we would help people not only move from welfare to work, but from welfare to work that would take them out of poverty.

You, on a strictly partisan basis, did not even bother to talk to us. You made no effort. You would not even work with us to try to provide a law that would help people move from welfare to work.

So I regret your spurning any effort to make this resolution bipartisan. I think instead of recognizing the past, you are mainly twisting it; and there has been a failure of this Congress to take the next steps in welfare reform so people move from poverty into something beyond it when they move from welfare to work.

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

Mr. Speaker, it is amazing, the gentleman who just left the well, when he would say this is a partisan resolution. I don't think the Republican name is in this resolution whatsoever. It is a figment of his imagination.

This was a team effort. President Clinton did sign this bill. This is not a partisan resolution. So why don't you join with us and rejoice in what we have accomplished.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a distinguished member of the Ways and Means Committee.

Mr. LINDER. Mr. Speaker, I rise in strong support of H. Con. Res. 438, of which I am an original cosponsor, which expresses the sense of the Congress that historic welfare reforms begun with the 1996 Welfare Reform Act should continue forward and continue to remain a priority.

I wrote in 1979 that it was not uncommon for a government program to be begun for noble worthy purposes and end up becoming an end in itself.

□ 1430

The more assistance that was distributed, the more necessary the program, and the means became the ends. Before the consideration of the welfare reform bill 10 years ago, there was no indication that some of these government programs would be improved, much less encourage self-sufficiency. This is not surprising, given how the welfare reform bill was described on this floor as, ''the most cruel and shortsighted view on public policy I have seen in 20 years'', and, ''a mean-spirited attack on children and poor families in America that fails every test of true welfare reform'', and ''a cruel attack on America's children''.

Well, as we mark the 10th anniversary of the signing of the bill, the statistics show the successes. Welfare caseloads have declined almost 65 percent. The poverty rate has declined. The child poverty rate has declined. The number of children lifted from poverty is 1.4 million, and the number of adults receiving welfare and working has more than doubled since 1996. The employment rate of never-married mothers has increased by almost 35 percent.

We have achieved great progress in eradicating poverty in this Nation. Ten years ago, thousands of poor people who deserve much more from their government were unwitting pawns in the game for power over the lives of others. The 1996 Welfare Reform Act has been enormously successful and we must continue to help those who truly need assistance while encouraging those who can support their families to do so.

Mr. Speaker, I urge my colleagues to support this bill. I thank my friend for yielding me the time.

Mr. MCDERMOTT. Mr. Speaker I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this marks the 10th anniversary of the passage of the 1996 welfare bill, a measure I voted for. And the legislation certainly was not perfect, but the system that it supplanted

was even worse. Ten years on, instead of having a pep rally for TANF, I think what we ought to be doing is having a serious conversation about whether the program is being implemented in a way that effectively and realistically moves everyone who can work into a job so that they might support their family.

With Bill Clinton, the TANF program rightly demanded that able-bodied people do everything possible to find and keep a job. But it also recognized the fact that single moms needed help with child care and transportation in order to successfully and permanently transition out of public assistance. So the Clinton budgets provided that traditional assistance.

The Clinton budgets also made enforcement of child support payments a top priority, which gleaned billions of dollars, that pulled thousands of women and children out of poverty. Bill Clinton insisted on an increase in the minimum wage and an expanded earned income tax credit, which helped people earning the lowest wages support themselves.

And the results spoke for themselves. Even as welfare caseloads dropped, poverty rates fell for every year that Bill Clinton was in office. So what has happened in the last 5 years? Child care, cut. Food stamps, cut. Medicaid, cut. Child support enforcement, cut.

So it is a disappointment but not a surprise that poverty rates are once again on the rise. According to the Census Bureau in 2004, there were 13 million children living under the poverty line. Almost one American child in five grows up in a family that cannot pay for the bare essentials of life like food, shelter, and clothing.

How can we let this happen? Today I want people to listen to this. Today a minimum wage worker in America who puts in 40 hours a week and never takes a vacation day, listen to this, they earn, at minimum wage, $10,700 a year before taxes.

That is not enough for a single mother with one child to clear the poverty line. But I think it is the new face of compassionate conservatism. That is a full-time working mom who cannot possibly make ends meet for herself and her child. One in five kids in this country grows up in poverty.

The welfare bill was supposed to counteract these trends, and when Bill Clinton was in office it was doing a good job. But the programs that helped welfare reform demonstrate progress like child support enforcement, child care assistance, have been eviscerated by this Congress and this administration. But we always have time here for tax cuts for rich people. If we cannot take care of Paris Hilton, who can? This welfare bill was a good start, and if properly implemented, it was during the Clinton years, we would still be on the path to reform.

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

Mr. Speaker, I would remind the gentleman in the well that it is rare today that people work for minimum wage. But those who do earn $10,700 a year, they also get an earned income tax credit of $4,000. They also get food stamps worth $2,000. They get rent subsidies which varies.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I rise in support of this resolution. And I am somewhat mystified by some of the claims made by my colleagues on the other side of the aisle. I and several of my colleagues spent a significant amount of time making sure that additional moneys were put into this legislation when it was passed to make sure that there would be more money for child care.

That was signed by the President and is current law today. We have increased assistance to women who were on welfare, who are now working. We needed to do that in order to make sure that their children would be safe. Our goal of welfare reform was about family growth and security and future financial security.

Our goal was certainly not to put the children in jeopardy, and part of that complete goal was to make sure that they had availability of child care. We have worked to make sure it is available at different times of the day. We have worked to make sure that it is available and convenient, and obviously that those who are providers are providing safe child care.

Another point that I think is very important to refute is that there is something wrong with the direction we are moving in, asking for people to work more hours. Once they commit to receiving welfare, they commit to work more hours, and they do so. What we found, the statistics show that when people start to work, obviously, their incomes will rise. They begin to climb the ladder of future success and their children do not live in poverty.

I want to repeat this point, because again it is the most important goal that we had of welfare reform, to make sure that from generation to generation children are not living in poverty. And children have been lifted from poverty as a result of our welfare reform, and more will continue to be lifted out of poverty as a result of more work requirements. These children will grow up with a great example of industrious working parents, and they will do the same.

Mr. Speaker, this Congress has a lot of missions before us. One of them certainly is to help encourage people to grow in their abilities, to grow in their talents and their willingness to teach their children. This welfare reform bill has helped us in all of those counts. I encourage my colleagues to support it.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this resolution is a celebration of bad policy. I voted against it when it was a Clinton proposal, and I voted against it because my fear was, based on having been a past welfare mom, my fear was that ultimately it would be the kids who suffered. And how right I was.

So when the Congress reauthorized the welfare program recently, not a single Democrat voted for it, because Democrats know that what this bill does is fail to help families reach economic independence. Instead it pushes families off welfare, into the workforce without sufficient education, without adequate child care, and without a path to self-sufficiency.

If the Republican leadership was truly interested in improving families' welfare, it would be debating and passing an increase in the minimum wage, and we would be doing that today, instead of talking about celebrating welfare. The sad fact is that this Congress is more interested that fewer people get help than whether fewer people need help. And that is a shame.

I encourage my colleagues, please oppose this resolution, a resolution that is trying to celebrate bad policy. A policy that keeps children in poverty.

Mr. SHAW. Mr. Speaker, I would like to point out to the gentlewoman who just spoke that the poverty rate among children has dropped 13 percent since the passage of this resolution, and, Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, could you tell us the time remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes, and the gentleman from Florida has 6 minutes.

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

Mr. Speaker, we go through a policy like this in 20 minutes. The Republican policy toward children is, you have no entitlement to anything. The point of welfare reform was to take away the entitlement of health and welfare, and housing and food from children, to take away the entitlement and put it to 50 States to whatever they want to do.

And we have 50 different plans in this country. The Republicans define welfare, people, those eligible for TANF, in such a way that you can drive down the numbers. You can push people off into work. And there is nobody on this side who has not worked in their life, who does not think it is a good idea to work.

But what we believe is that you ought to work for a wage that is fair and provides a decent living. The Republicans for the entire period this has been in place have refused to raise the minimum wage.

You want to drive people into poverty, and you did drive them into poverty, because when they are in poverty you can make them do anything. That is the way you keep the costs down in business, have a workforce of people who have to work for the minimum wage, and that is it for them.

Now, you have cut Medicare. Medicare in every State in this country is

in a terrible mess. There are 300,000 children eligible for child care in California who do not have access because there is no money. You say to the mothers, go out and work. Leave your kids at home, leave them a package of graham crackers, leave them a television, and leave them with their 12-year-old sister. That is the Republican plan.

You also take away their housing benefits. When they go off of TANF they do not get access to those housing benefits they had before. So you take away every single piece of security for a child who knows they have a home, who knows there is going to be food on the table, who is going to have a parent there when they come home from school. And then you ask yourself why you have a drug problem in this country. Why you have kids getting in trouble everywhere, why the prisons are full.

This is the result of a public policy that says we do not believe in the common good. We cannot tax the rich, oh, no, no, we must not tax the rich, they need another wall around their compound. But you can put kids out on the street, with their mother working down at the local motel cleaning beds for $5.15 an hour, that is all right with you. It is that that we object to.

It is not that we do not think people should work, we just think they should work for a decent living, a decent wage, and you will not give them that. You want to define success. The press release will say, we have reduced the welfare rolls from 5 million, as it was in 2000, to about 1.9 today.

But you will say nothing of the human misery you have created by these policies. The reason none of us voted for the reauthorization was, you put no additional money in for child care. And you cut the benefits for health care. And you do not take care of the needs of the kids. This is not about adults. Adults can make it. But it is a question about whether we as Americans, as a part of the common good, think children are entitled to a decent and safe childhood.

And your answer is, we cut the welfare rolls, raise the flag, let's march around and have a big parade and we will send out press releases, we cut the welfare rolls. But poverty has increased. You have 5 million more people in poverty since Mr. Bush became President of the United States.

That is not an enviable record; 1½ million more children are in poverty. How can you celebrate that?

Mr. Speaker, I yield back the balance of my time.

□ 1445

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

Mr. Speaker, I don't know quite where to start in correcting the gentleman from Washington. First of all, he said that we didn't increase child care. Well, we had just done over a $1 billion increase, and that is just within the last few months. I would say that the gentleman's memory is a little short.

He also talked about a secret Republican agenda. I was in charge of this bill 10 years ago, and I insisted that we did not do any of that. In fact, I don't know of anybody that was trying to do that. I maintained that we had to keep up the food programs, we had to keep up the Medicaid payments, taking care of the health care. We had to take care of the kids. We had to produce child care, in addition to all of this and all of the other programs that go along with the poverty program.

But what did we expect? We expected people to climb out of poverty. We are going to help them, but they are going to help themselves.

The problem of those who still oppose welfare reform is they have no faith. They didn't have any faith in the human spirit. We did have faith in the human spirit, and I can tell you the real champions, the real heroes of welfare reform are those who pull themselves out of poverty.

It is not the Members of Congress or the Senate that are sitting on this floor. It is the single mom, and she is the hero.

We started this program about 15, 16 years ago. We worked hard on it for many, many years. At every turn, we recognized the fragile nature of those that we were trying to rescue. Oh, we had a poverty program that was being guarded so carefully by those that wanted to pay people not to work, not to get married and have kids, the most destructive behavior you could possibly have.

I remember when we came to this floor and debated this bill. Some of the comments that were made back then, and I will read one of the worst ones, and I won't even mention the Member's name because I think it is so bad. It says: read the proposal, read the small print, read the Republican contract. They are coming for our children, they are coming for the poor. They are coming for the sick, the elderly and the disabled.

That is the stuff we were listening to on this floor when we were on a rescue mission. Through the debate on July 18, 1996, after several of the Democrat Members, some of whom have spoken today, spoke against the bill, President Clinton announced that he was coming on to television. We retired back into the Cloakroom to see what he was going to say. He looked right into the TV cameras, and he said, I am going to sign this bill.

Well, that brought about some Democratic votes, and it made it truly a bipartisan bill. Since then, the statistical information that is out there is history. Let me run down just some of the things that welfare reform has accomplished.

Welfare caseloads are now down by 64 percent, as nearly 8 million parents and children no longer receive welfare. The overall poverty rate dropped 7 percent, the child poverty dropped 13 percent, the poverty rate of young children in female-headed families, the group most likely to go on welfare, dropped 15 percent from 1996 to 2004.

Compared with 1996, 1.4 million fewer children lived in poverty in 2004. That is a victory. That is a victory for the human race. That is a victory for the poor Americans. The number of adults on welfare who work has more than doubled since welfare reform. More broadly, the work of all never-married mothers has surged 34 percent since 1996.

I will never forget, at one of our hearings, and I think, Mr. MCDERMOTT, you were there, when one of the welfare workers came in and was bragging about one of her clients who went to school. One of the young kids had gone to school, and he raised his hand to get the attention of the teacher. The teacher finally looked down and said, What do you want? He says, My momma went to work today.

What a wonderful thing. That mother who had nothing to do all day but sit around for the postman to come and bring her a check is now a role model for that child. What a difference that this has made.

Yes, this was a rescue program. We paid a lot of money for job training and things in order to accomplish this welfare reform package, and it has worked.

I can tell you I was stunned when the President said he was going to sign it, because all of a sudden I realized, my God, look what we have done, look what we have done. Now I can look back with great pride and see what this Congress did, what we accomplished, that rescue mission that took so many people out of poverty.

Mr. Speaker, I urge passage of the bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the welfare reforms provided in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The House is considering H. Con. Res. 438 that expresses the sense of the Congress that continuation of the welfare reforms provided for in the 1996 welfare reform act should remain a priority. The House Resolution marks the 10th anniversary of the 1996 Republican-led enactment of welfare reform.

I strongly support H. Con. Res. 438 that celebrates 10 years of success in reducing welfare rolls and helping children and families escape from the cycle of poverty. Ten years ago, Republicans decided it was time to reform our broken welfare system and give welfare recipients the tools they needed to escape the system and build a better life. Today, we can see the results of those efforts—a 64 percent decrease in welfare caseloads, a sharp decline in child poverty, and a dramatic increase in the number of welfare recipients who work.

Since Republicans have passed welfare reform in 1996, the overall poverty rate has dropped 7 percent and 1.4 million fewer children are living in poverty. I urge my colleagues to join me in support of H. Con. Res. 438. Support of this resolution is support for

continuing to move from welfare to work more quickly and promoting and encouraging stable, healthy families.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 438.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF SCHOOL BUS SAFETY WEEK

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 498) supporting the goals and ideals of School Bus Safety Week.

The Clerk read as follows:

H. RES. 498

Whereas approximately 480,000 yellow school buses carry 25 million children to and from school every weekday;

Whereas America's 480,000 school buses comprise the largest mass transportation fleet in the country, 2.5 times the size of all other forms of mass transportation—transit, intercity buses, commercial airlines, and rail—combined;

Whereas during the school year, school buses make more than 50 million passenger trips daily carrying the Nation's future—our children;

Whereas school bus transportation is eight times safer than traveling in a passenger vehicle and is the safest form of ground transportation available;

Whereas school buses meet higher construction, equipment, and inspection standards than any other vehicle, and school bus drivers meet higher qualification, training, and testing standards than any other drivers;

Whereas according to the National Academy of Sciences, an average of 820 students are killed annually during school transportation hours, but less than 2 percent of them are school bus passengers;

Whereas despite the industry's best efforts, accidents still happen;

Whereas an average of seven school-age passengers are killed in school bus crashes each year, and an average of 19 children are killed each year getting on and off the bus;

Whereas most of those killed are children aged five to seven, and most often those children are killed in the area immediately surrounding the bus—either by a passing vehicle or by the bus itself;

Whereas School Bus Safety Week, which is celebrated in more than 40 States and sponsored by the National Highway Traffic Safety Administration (NHTSA), was created to remind all students of the best ways to get on and off the bus in an effort to enhance the safety of the Nation's children;

Whereas School Bus Safety Week, which dates back to 1966, also recognizes the hard work and dedication of school transportation personnel, especially the many school bus drivers who ensure a safe journey each and every day; and

Whereas School Bus Safety Week, celebrated the third week in October, promotes awareness through local and State poster and speech contests, lessons utilizing school bus safety community awareness kits, and other activities built around themes that raise awareness of school bus safety issues: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of School Bus Safety Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. MARCHANT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in support of H. Res. 498 offered by the distinguished gentleman from Tennessee (Mr. DUNCAN). This resolution would support the goals and ideals of a National School Bus Safety Week.

In our Nation, approximately 22.5 million children ride school buses to and from school each day, which accounts for 54 percent of all students attending grade school. In fact, the more than 440,000 public school buses travel approximately 5 billion miles each year, comprising the largest mass transportation fleet in the country, 2½ times the size of all other forms of mass transportation, and according to statistics, representing the safest form of highway transportation.

Even so, according to the National Highway Transportation Safety Administration, each year for the past 11 years, an average of 35 school-age children have died in school bus-related traffic accidents. This is why it is vital that drivers, mechanics and supervisors, as well as parents and children, observe certain rules and regulations pertaining to all the operations of school bus safety.

The week of October 15 through October 21 will educate children around the country about school bus safety precautions with special activities such as poster contests to help bring the valuable information to our Nation's children.

I urge all Members to come together to encourage the educational importance of a School Bus Safety Week by adopting H. Res. 498.

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

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

Mr. Speaker, students are at a much greater risk while traveling to and from school than at any other time during their school day. During the 1997–98 school year, about 800 children from the ages of 5 through 18 were killed during normal school transportation hours, while traveling by passenger car, foot, bicycle, public transportation or school bus. Although school buses are the safest form of highway transportation, they are not fail-safe.

The most dangerous part of the school bus ride is getting on and off the school bus. Fatalities that occur when students board and exit school buses account for approximately three times as many school bus-related fatalities than for fatalities that occur when the school buses are occupied. The area around the bus when the bus is loading and unloading is called the danger zone. The danger zone is comprised of the areas outside of the bus where the children are in the most danger of not being seen by the driver. It is the 10 feet in front of the bus where the driver is too high to see a child, 10-foot-long blind spots that run along both sides of the bus, and the area behind the school bus.

The goal of National School Bus Safety Week is to ensure safe, efficient, economical and high-quality transportation for school children on their trips to and from school and school-related activities. This is certainly a goal we all can support, and I urge my colleagues to do so.

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

Mr. MARCHANT. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague, the Congressman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for managing this resolution and for his comments, as well as those of our distinguished colleague from Missouri.

Mr. Speaker, last October, I introduced House Resolution 498, which supports the goals and ideals promoted by School Bus Safety Week. This bill certainly has bipartisan support with 62 cosponsors. Also, all three national school bus associations are in support of this resolution: the National Association of Pupil Transportation, the National Association of State Directors of Pupil Transportation, and the National School Transportation Association.

America's 480,000 school buses comprise the largest mass transportation fleet in the country, 2½ times the size of all other forms of mass transportation, transit, intercity buses, commercial airlines, and rail combined.

During the school year, school buses make more than 50 million passenger trips daily. School Bus Safety Week, which is celebrated in more than 40 States and sponsored by the National Highway Traffic Safety Administration, was created to remind all students of the best ways to get on and off the bus and of other ways to enhance the safety of our Nation's children.

According to the National Academy of Sciences, an average of 820 students are killed annually during school transportation hours, but less than 2 percent of them are school bus passengers. Most of those killed are children aged 5 to 7, and most often those children are killed in the area immediately surrounding the bus, either by a passing vehicle or occasionally by the bus itself.

While school bus transportation is eight times safer than traveling in a passenger vehicle and is the safest form of ground transportation available, unfortunately, accidents still happen. An average of seven school-age passengers are killed in school bus crashes each year, and an average of 19 children are killed getting on and off the bus each year.

Many of our communities honor School Bus Safety Week through local and State poster and speech contests, lessons utilized in School Bus Safety Community Awareness kits and other activities built around themes that raise awareness of school bus safety issues.

It is my hope that our children will be safer than ever before, and that our children will safely get on and off and travel on these school buses each day, and that drivers in our communities will be mindful of the laws designed to protect our Nation's school bus passengers.

□ 1500

This is a business dominated by individuals and very small businesses. Most school bus drivers are stay-at-home moms, retired people or others who need some part-time income. They do a really outstanding job and provide a great community service in helping keep our school children safe, and H. Res. 498 will help promote and improve that safety even further.

Madam Speaker, I urge passage of this resolution.

Mr. CLAY. Madam Speaker, I want to thank my colleagues, Mr. MARCHANT of Texas and as well as Mr. DUNCAN of Tennessee, and urge a favorable vote of passage of the School Bus Safety Week. I have no further requests for time, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge all Members to support the adoption of H. Res. 498, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4962) to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''.

The Clerk read as follows:

H.R. 4962

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

SECTION 1. CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, shall be known and designated as the ''Captain George A. Wood Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Captain George A. Wood Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

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

There was no objection.

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

Captain George A. Wood of New York was killed on November 20, 2003, while fighting the war on terror in Iraq. Wood was on patrol when his tank rolled over an improvised explosive device. At the time, he was assigned to B Company, 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division, based out of Fort Hood, Texas.

Growing up in New York's Mohawk Valley, Wood was a football and track star at Notre Dame Junior Senior High School in Utica, New York. He later went on to earn his degree from Cornell and completed his postgraduate work at both New York State University Colleges at Albany and Cortland. His lifelong dream was to teach history and coach football at West Point.

Captain Wood leaves behind his wife and daughter and many lifelong friends. His friends will always reminisce about his wonderful storytelling ability and his goodheartedness that was transparent in everything that he did.

I would urge all the Members to come together to honor Captain George Wood by passing H.R. 4962.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I might consume.

As a member of the Government Reform Committee, I am pleased to join my colleague Representative MARCHANT in support of H.R. 4962, legislation sponsored by Representative BOEHLERT which names a post office in Utica, New York, after Captain George A. Wood. H.R. 4962, which was cosponsored by the entire New York delegation, was unanimously approved by the Government Reform Committee on June 29, 2006.

George A. Wood, a native New Yorker, was by all accounts a stellar person. A graduate of Notre Dame Junior Senior High School in Utica, George was a high school track and football star. After high school, he graduated from Cornell University and went on to earn master's degrees from New York State University Colleges at Albany and Cortland.

A history buff who was fascinated with military history, George joined the military and was assigned to B company, 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division based in Fort Hood, Texas.

Sadly, at age 33, Captain Wood was killed while on patrol in Baqubah, Iraq, on November 20, 2003, when his tank rolled over an improvised explosive device. Captain Wood is survived by his wife Lisa and daughter Maria.

Mr. Speaker, it is always difficult to learn of a soldier's death, but I commend my colleague for seeking to honor the legacy, sacrifice and accomplishments of Captain Wood by designating the Utica post office in his name. I note that Captain Wood's father and grandfather were postal employees at the Utica facility. How fitting.

Madam Speaker, I urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MARCHANT. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Madam Speaker, today we have the privilege of honoring our fallen hero, U.S. Army Captain George A. Wood. The bill before us would rename the Pitcher Street Post Office in Utica, New York, the George A. Wood Post Office Building, which is a fitting tribute to a man who paid the ultimate sacrifice to defend our freedom and our security.

Captain Wood bravely served our Nation in Iraq where he met an untimely death on November 20, 2003. However, his memory will live on. Every day, Captain Wood will be in the hearts of his family and his friends and his classmates and his comrades and our neighbors by virtue of the naming of this

public facility, this Federal facility in his honor.

He is survived by his wife Lisa and his 6-year-old daughter Maria, and to them we send the Nation's condolences on your great loss of yesteryear and our optimism on a more promising future because of what the Captain Woods do so often for so many.

Captain Wood was born and raised in upstate New York's beautiful Mohawk Valley. He was an accomplished athlete at Notre Dame Junior Senior High School, and if you are from our neck of the woods, you know those teams are just dynamite. He excelled at both football and track and field.

He was also, and this is very important, a superstar in the classroom. He graduated not just from Cornell University but later earned master's degrees from both the State University at New York in Albany and State University at New York in Cortland.

In the Armed Services, Captain Wood served for 8 years in the 4th Infantry Division in Fort Hood, Texas, and there he became fascinated with the history of our great military. As a matter of fact, Captain Wood dreamed of teaching history and coaching football at the West Point Military Academy. Had he not paid the ultimate price for our way of life, I am confident that he would have seen this dream become a reality.

Captain Wood's discipline, his love of learning and his fine character have made him a model citizen for all of his countrymen and generations to come, a true role model, a genuine American hero.

Both Captain Wood's father and his granddad worked at the Pitcher Street Post Office, so there is a special affinity for the post office in the Wood family, and it would be our utmost pleasure and distinct honor to designate the facility at Utica, New York, as the Captain George A. Wood Post Office Building in honor of a true American hero.

I want to thank my colleagues in the majority and the minority and on the committee for dealing with this very important issue. Oftentimes, as we deal with the major issues that affect so many people around the world, we sometimes neglect the littler things, but they are equally important. They are very personal. They have real meaning for so many, and I thank my colleagues for their support and their cooperation. I urge all of my colleagues to proudly vote ''aye'' for this measure.

Mr. CLAY. Madam Speaker, I urge the swift passage of this bill. I have no further requests for time, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge all Members to support the passage of H.R. 4962, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 4962.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A SALVORDAN-AMERICAN DAY

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 721) supporting the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

The Clerk read as follows:

H. RES. 721

Whereas the aftermath of 40 years of internal political turmoil forced hundreds of thousands of individuals in the Republic of El Salvador to flee that country and seek peace and security in a new country, the United States;

Whereas Salvadoran-Americans constitute a significantly growing population in the United States, with the majority living in the Los Angeles metropolitan area, the Washington, D.C., metropolitan area, and various other areas in the United States;

Whereas the history of the United States is a rich and enduring tapestry woven with the threads of many remarkable lives, cultures, and events, and the lives, work, and artistry of Salvadoran-Americans have added strength, vitality, and purpose to that tapestry;

Whereas the maturing Salvadoran-American community continues to make great economic and cultural contributions to daily life in the United States;

Whereas many of these Salvadoran-Americans actively participate in the United States educational system, further promoting their sense of American pride within communities in this country;

Whereas Salvadoran-American families should have an established day to acknowledge the contribution and value of their culture to the United States;

Whereas the strength of the Salvadoran-American culture can be preserved and passed on to future generations;

Whereas Salvadoran-American families, communities, and generations that follow are committed to maintain both Salvadoran and American cultures, while promoting cultural interchange;

Whereas free of prejudices and as proud men and women, Salvadoran-Americans participate and contribute to the social, educational, professional, and political systems of the United States;

Whereas Salvadoran-American individuals, families, organizations, and communities in cities and States across the Nation wish to share the establishment of a nationally recognized and celebrated Salvadoran-American Day (El Dia del Salvadoreño), beginning on August 6, 2005, and to be celebrated by all generations that follow;

Whereas on August 6, 1525, the official founding of Villa De San Salvador was declared in the Valle de las Hamacas (Valley of the Hammocks) where the indigenous ancestors of El Salvador fought historic battles against the submission and abuse of Spanish colonialism in order to preserve the life and liberty of the Cuscatleco population; and

Whereas August 6 is a day of recognition for Salvadoran-Americans to celebrate throughout the United States: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreño) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H. Res. 721 offered by the distinguished gentlewoman from California (Ms. SOLIS). This resolution would support the goals and ideals of a Salvadoran American Day.

Currently, thousands of Salvadoran Americans reside in the United States, mostly within California, the Washington, D.C. area, and New York. August 6 marks the date of the celebration of Fiestas Agostinas, an observance that dates back to 1525, paying homage to the cultural festivities of El Salvador, and is widely observed by the Latino community in the United States.

This day has grown in significance over the years as the Salvadoran-American community has matured and adapted the holiday to fit the lives of Salvadorans living in the United States. Living in a country built by offerings from many cultures and nationalities, Salvadorans have brought forth many economic and cultural contributions to weave into the American fabric.

I urge all Members to come together to pay homage to many Salvadoran Americans that are thriving in our society today by adopting H. Res. 721.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, 40 years of political turmoil forced many individuals from the Republic of El Salvador to flee the country in search of peace and security in the U.S. Currently, there are over 900,000 Salvadoran Americans living in the U.S. The majority of them have found new homes in California, New York, and the Washington, D.C. metropolitan area.

The history of the U.S. is a rich and enduring tapestry woven with the threads of many remarkable lives, cultures and events. The lives, work, and

artistry of Salvadoran Americans have added strength, vitality and purpose to that tapestry.

The Salvadoran-American community continues to make great economic and cultural contribution to the United States. Therefore, I urge my colleagues to support H. Res. 721.

Madam Speaker, I reserve the balance of my time.

Mr. MARCHANT. Madam Speaker, I have no other speakers at this moment, and I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS), my colleague.

Ms. SOLIS. Madam Speaker, I would like to thank the gentleman from Missouri and obviously the Members of this very important committee that helped to pass this resolution.

Madam Speaker, today, I rise in strong support of H. Res. 721, a resolution supporting the goals and ideals of the Salvadoran American Day, el dia del Salvadoreno. I would like to thank Chairman DAVIS and Ranking Member WAXMAN for their support in bringing the resolution to the floor today.

This resolution recognizes the Salvadoran Americans for their hard work, dedication and contributions to our stability and well-being of the United States.

Forty years of internal political turmoil forced thousands and thousands of individuals from the Republic of El Salvadore to flee and come to this country. They sought peace and security and a better life in the United States.

□ 1515

Madam Speaker, my mother was born in Central America, in Nicaragua, and immigrated to the United States to seek a better life. As the only Member of Congress of Central American descent, I am honored to recognize Salvadoran Americans and Salvadoran American Day.

Currently, there are over 900,000 Salvadorans living in the U.S. The majority live in Washington, D.C., New York, California and Miami. In the Los Angeles metropolitan area alone, parts of the district that I represent, there are nearly 300,000 Salvadoran Americans.

This celebration of Salvadoran tradition dates back to August 6, 1525, almost five centuries ago, when the city of Villa De San Salvador was founded. El Dia del Salvadoreno marks the culmination of a week-long celebration ''Fiestas Agostinas'' and is arguably the most important civic-religious celebration in El Salvador. The celebration pays homage to the cultural festivities of El Salvador, while recognizing that Salvadorans have adapted themselves to life in the United States.

Celebrated by Salvadoran Americans in California and throughout the country, this day has grown in significance over the years. Back in 2001, the city of Los Angeles honored Salvadoran American Day, and in 2002 Salvadoran American Day was declared as a statewide event in California. More than 100,000 Salvadorans participated in these celebrations in 2005, and we know and expect we will see more this coming August.

I am proud that Congress is helping to recognize and honor this day. Salvadoran American Day contributes to a positive image for Salvadorans, as well as improving a better understanding between our diverse communities and this part of America.

I would like to recognize and thank the Salvadoran American National Association, known as SANA, the SHARE Foundation, and all of the Salvadoran American and Central American organizations for their support and their work to provide for this resolution.

Let us not forget that our Nation was built by the people from many nations and different backgrounds and cultures. In fact, many of the workers who helped rebuild the Pentagon were of Salvadoran background. They love this country. I urge my colleagues to recognize the Salvadoran Americans and pass this resolution.

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

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Madam Speaker, I certainly would like to thank the gentleman from Missouri for offering me this opportunity to say a few words in support of this resolution.

I certainly want to extend my commendation to the gentlewoman from California for being the chief sponsor of this bill, and I regret to say I should have been an original cosponsor, and I want to be on record that I want to be on as an original cosponsor of this resolution.

Madam Speaker, August 6, 1525 means a lot to the Salvadoran Americans in our country. As the gentlewoman from California said earlier, we almost have a million fellow Americans whose ancestry is from El Salvador.

On August 6, 1525, the official founding of Villa De San Salvador was declared in the Valle de las Hamacas, or the Valley of the Hammocks, where the indigenous ancestors of El Salvador fought historic battles against the submission and abuse of Spanish colonialism in order to preserve the life and liberty of the Cuscatleco population.

This is very significant and important, Madam Speaker, and I certainly want to say that we truly are a Nation of immigrants. Whether you be from South America, and even if you are from Ireland, we can never forget the problems there, the people starving to death, and there was the Irish potato.

Madam Speaker, I don't know why you call it the Irish potato; potato came from America, and that is what saved millions of our fellow Irish people coming over here to this country.

The interesting thing about it, too, is I have been to Central America and I have been to El Salvador, and I say that for good reason, millions of these people coming from Latin America come to this country why? Because they love freedom, they seek opportunity for jobs, and want the best America has to offer. What's wrong with that?

I think this resolution signifies the importance that we should recognize not only the presence of our fellow Salvadoran Americans, but also the contributions that they made to this great country.

Again, I commend the gentlewoman from California for proposing this resolution and I urge my colleagues to support it.

Mr. HONDA. Madam Speaker, I rise today in support of House Resolution 721, legislation introduced by Congresswoman HILDA L. SOLIS that I am proud to have cosponsored. H. Res. 721 supports the goals and ideals of a Salvadoran-American Day (El Día del Salvadoreño).

Currently, there are more than 900,000 Salvadoran Americans living in the United States, with the majority of them living in California, the Washington, D.C. metropolitan area, and New York. In the Los Angeles metropolitan area alone there are nearly 400,000 Salvadoran-Americans.

Today, El Día del Salvadoreño is celebrated among the Latino community in California. This celebration of Salvadoran traditions dates back to 1525 when the city of Villa De San Salvador was founded.

The history of the United States is a rich and enduring tapestry woven with the threads of many remarkable cultures and events, and the lives, work, and artistry of Salvadoran-Americans have added strength, vitality, and purpose to that tapestry.

As a former Peace Corp volunteer in El Salvador, I experienced first hand the culture, hard work and dedication of the people. I commend Salvadoran-Americans for their resilience and contribution to the stability and well-being of the United States. I also thank the estimated 800 Salvadoran nationals who are currently serving in the U.S. military for their efforts on behalf of the security of our country.

The Salvadoran-American community continues to make great economic and cultural contributions to daily life in the United States, and I am proud to support H. Res. 721 and the goals and ideals of Salvadoran-American Day.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in firm support of H. Res. 721, which supports the goals and ideals of a Salvadorian-American Day (El Dia del Salvadoren) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

Salvadorans form an integral part of our communities and our labor force. My district in Northern Virginia, for example, is home to many hard-working Salvadorans who pay taxes and consume U.S. products. Salvadorans also play an important role in the economy of their native country by sending billions of dollars in payments to their families in Central America every year. The remittances that

these individuals send to their families are a large source of revenue, which the United States could not match in foreign aid. As a result, after suffering through a string of brutal civil wars, El Salvador now has a moderate, democratically-elected government.

Madam Speaker, in closing it is all too easy to overlook the important and daily contributions that Salvadorian Americans have made not just to Northern Virginia, but to our Nation as a whole. This bill provides much needed and deserved recognition to the Salvadorian American community for the indelible mark they have made upon the diversity and prominence of our great nation. I urge an "aye" vote.

Mr. CLAY. Madam Speaker, I urge my colleagues to support H. Res. 721, supporting the goals and ideals of Salvadoran American Day, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge Members to support H. Res. 721, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 721.

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

A motion to reconsider was laid on the table.

CONGRATULATING ITALY ON WINNING THE 2006 WORLD CUP

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 908) congratulating Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup, as amended.

The Clerk read as follows:

H. RES. 908

Whereas for the first time in 24 years, the Italian National Soccer Team won the Federation Internationale de Football Association (FIFA) World Cup;

Whereas Italy is one of the most successful countries in World Cup history, reaching the finals 6 times and winning 4 championships, in 1934, 1938, 1982, and 2006;

Whereas the 2006 championship is due in large part to the extraordinary leadership of head coach Marcello Lippi and team Captain Fabio Cannavaro;

Whereas in 2006, team Italy (known as ''Azzurri'' or simply ''the Blue'') went undefeated in World Cup play and won the final game in only the second World Cup Championship to be determined by shootout;

Whereas in winning the World Cup, the Italian National Soccer Team faced adversity and overcame setbacks;

Whereas the vibrant culture and heritage of Italy were brought to our Nation by millions of Italian immigrants;

Whereas Italian Americans have made significant contributions to our Nation in all fields of endeavor;

Whereas Italian Americans rejoiced in the victory of the soccer team of their ancestral homeland, many spontaneously celebrating in American neighborhoods throughout our Nation;

Whereas all Americans can take pride in the knowledge that the United States National Soccer Team was the only team that Italy was unable to defeat during this World Cup, needing to settle with a 1–1 tie; and

Whereas the fans of the Italian National Soccer team, many hailing from the United States, represent some of the most enthusiastic in the world: Now, therefore, be it

Resolved, That the House of Representatives congratulates Italy and the Italian National Soccer team on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to request my colleagues' support for H. Res. 908, a resolution congratulating Italy on winning the 2006 Federation Internationale de Football Association, or FIFA, World Cup.

On July 9, 2006 the Italian team, known affectionately in Italy as Azzurri, or ''The Blue,'' secured its place as one of the most successful teams in World Cup history, having reached the finals six times and having just won its championship.

Under the leadership of Coach Marcello Lippi and Captain Fabio Cannavaro, the Italian team went undefeated in World Cup play. I must point out in a bit of national pride that the only team Italy was unable to defeat was our very own United States National Team, with whom Italy tied 1–1.

The Italian championship at the FIFA World Cup highlights the vibrant culture and the heritage of Italy, the same vibrant culture and heritage brought to America by millions of Italian immigrants that has enriched and continues to enrich our great Nation through countless contributions to every aspect of our society.

This is a proud heritage that is shared by millions of Italian Americans, and a pride which extends to the Italian National World Cup team. Countless Americans throughout the United States rejoiced at Italy's success, and it is with a hearty ''bene fatto'' that I extend congratulations to Italy and to the Italian International Soccer team on winning the 2006 FIFA World Cup. I urge my colleagues to do likewise by agreeing to this resolution.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the management of this legislation.

Madam Speaker, just over a week ago I had the tremendous pleasure of watching the thrilling finale of the World Cup championship match in Germany. As the winning penalty kick zipped past the French goalkeeper, I felt the joy of millions of Italians as they celebrated their historic fourth World Cup victory. For that matter, the entire planet with billions of people witnessing this special event, the number one sport in the world, not American football, I beg to say, Madam Speaker.

The Italians are known for the passion they exhibit in every endeavor they undertake. I cannot agree more with that. Whether it is in art, literature, mathematics, business or especially soccer, Italians all over the world pour their heart and soul into every task they assume.

Madam Speaker, this passion has led great men like Christopher Columbus, Amerigo Vespucci, Constantino Brumidi, Enrico Fermi and captains of industry A.P. Giannini, to contribute to the rock-solid foundation on which this country is built. Not to mention some of my favorite singers, Mario Lanza, Frank Sinatra, Tony Bennett, Perry Como, and the list goes on. This passion has also contributed mightily to the strong alliance between Italy and the United States since the end of World War II. Our bond with Italy kept the Soviet menace at bay during the decades of the Cold War.

Today, Italy aids in the fight for democracy. Our Italian allies fight, bleed, and even die to bring democracy to the people of Afghanistan and Iraq.

This passion was unabashedly unleashed in the worldwide celebrations following the Italian national soccer team's historic victory in Germany. I, for one, reveled in the images of our Italian friends singing and dancing around the world.

In all this praise for Italy and its fantastic soccer team, I would like to congratulate the fans who traveled to Germany to support their beloved Azzurri, as the national soccer team is known. During the month-long tournament, the fans were a model of civility and good spirits.

Madam Speaker, the Italian fans, along with those from 31 other nations, enjoyed the beautiful country of Germany and all of its 64 thrilling soccer matches without any major incidents.

Finally, I would like to commend those involved with the security of the World Cup tournament. As we all know, this kind of world gathering, unfortunately, presents potential terrorist opportunities as well as other

dangers. The German Government and security officials performed magnificently, the venues were safe, and the atmosphere always enjoyable.

This was an exciting month, capped off with an unforgettable ending for our longtime friends and allies, the Italian people. I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA), the original sponsor of this resolution.

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

Mr. FOSSELLA. Madam Speaker, I thank the gentlewoman for yielding.

As mentioned, last week with approximately a billion people watching, for the first time in 24 years, the Italian National Soccer Team won the Federation Internationale de Football Association World Cup. It was indeed a great day for the people of Italy. I know they celebrated with pride and enthusiasm, and they probably still are, and rightfully so.

But it was also a very important and poignant day for many Americans of Italian descent. While I, like many here, rooted for the American team, and I tip my hat to the U.S.A. team that tied the Italian soccer team, they should be very proud for trying and giving their best and representing our Nation well in Germany.

But no question, Italy's victory captivated the world and showed that teamwork is the key to success.

It was wonderful to watch the game across Staten Island and Brooklyn, whether it was the Dyker Heights section of Brooklyn, and I spent much of the day in Bensonhurst along 18th Avenue. I stopped into many of the clubs and restaurants, and literally televisions were in the middle of the street as people poured out to watch their favorite players and cheer. There were thousands celebrating into the night as well.

During the game, we were proud to watch Italy play with a passion, overcoming every challenge to go undefeated in the tournament and walk away the champions.

Team Italy, known as Azzurri, or simply ''The Blue'' went undefeated in World Cup play and won the final game in only the second World Cup championship to be determined by a shootout.

That makes Italy the second most successful country in World Cup history, winning four championships in 1934, 1938, 1982 and 2006. But fate rested on the side of Italy this year, and despite strong competition of many countries, Italy was the victor.

I am delighted to have introduced this resolution to recognize Azzurri and extend our praise to its coach, Marcello Lippi, and the entire team. I would like to thank Chairman HYDE, Ms. ROS-LEHTINEN, Ranking Member LANTOS. And also, finally, I know this has been a great relationship, which has just been mentioned, between Italy and the United States. The role that Italy has played is often taken for granted. It is one of our largest trading partners.

□ 1530

It is a nation that embraces Western values, that celebrates and cherishes freedom and individual liberty and has been an especially strong supporter of our country in the last several years as we engage in the war on terror.

There is no question that we have a tremendous bond with the Italian people and that it serves our interests as well as theirs. There is no question that there are many Americans of Italian descent who have made this country the greatest in the history of the world. From the art, the literature, the law, politics, music, you name it, there have been contributions from Americans of Italian descent.

And I would say, finally, if you had a visual of driving around at least Brooklyn on that day to see the American flag waving so proudly outside people's houses and on their door steps, and next to it the Italian flag, I think it represents the strong alliance and unbelievable embrace that Americans of Italian descent love this country, respect their heritage, and on that day, Italy proved to the world that teamwork and pride works. No, ifs, ands, or head butts.

Mr. FALEOMAVAEGA. Madam Speaker, I just have a couple of minutes and I want to yield to myself to again commend the gentleman from New York (Mr. FOSSELLA) for offering this legislation.

We have a long way to go as far as the sport of soccer is concerned. I just wish that maybe if it wasn't so much into American football, our Nation could concentrate and focus on the fact that this is the number one sport in the world. And I am sure that if we turn our resources, our technology, our know-how into becoming competent and being really proactive in this support, maybe our own country could also be favored to be among the top players in this sport.

It was interesting to note, Madam Speaker, that all the expectations were supposed to be on Brazil, and the great player Renaldo was supposed to give Brazil another World Cup. And then even Argentina was supposed to focus on this. But never was there any expectation that teams from Europe would dominate as they did, where Italy has now won this great sport.

Madam Speaker, I did have the gentleman from New York (Mr. CROWLEY) to come and also make a presentation, but unfortunately he is tied up with other meetings, but I am sure that he will have a separate statement to be submitted to be made part of the RECORD.

Mr. CROWLEY. Madam Speaker, I rise today to congratulate Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup. Throughout the competition Italy exhibited great sportsmanship and competitive skill that carried them through to the final round. Billions of soccer fans across he globe had the opportunity to follow Italy as the team progressed to become one of the most successful countries in World Cup history.

Under the extraordinary leadership of head coach Marcello Lippi and team Captain Fabio Cannavaro, Italy was able to win the championship for the fourth time in World Cup history. Some of the most enthusiastic fans of Italy hailed from the United States and were able to support their favorite team. Italy's victory was especially exciting for the millions of Italian Americans who proudly value Italian culture and heritage.

I would like to commend Congressman FOSSELLA for introducing H. Res. 908 to honor Italy's great athletic accomplishment. By participating in the FIFA World Cup, Italy was able to partake in an excellent forum for the development of international friendship and relationships.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H. Res. 908, which congratulates the Italian national soccer team for their 2006 FIFA World Cup championship. The World Cup is a true testament of nations of the world putting aside their differences to come together in competition and athletic excellence.

Following Fabio Grosso's goal in penalty kicks sealing the Italian victory, people around the globe joined the people of Rome, Naples, and Milan in celebration of Italy's return to World Cup glory. Even back in my district, Italian Americans took to the streets of Franklin Avenue in the south end of Hartford with Italian flags, jerseys, face paint, and smiles in jubilation of the Italian victory.

I join my fellow colleagues, those back in my district, and Italians around the world in congratulating the Italian national soccer team on their undefeated tournament run and their incredible achievement of the Italian nation's fourth World Cup victory.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers and yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 908, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING KAZAKHSTAN ON 15TH ANNIVERSARY OF CLOSURE OF WORLD'S SECOND LARGEST NUCLEAR TEST SITE

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) congratulating Kazakhstan on the 15th

anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction.

The Clerk read as follows:

H. RES. 905

Whereas on August 29, 1991, the Government of Kazakhstan shut down the world's second largest nuclear test site in the Semipalatinsk region of the Republic of Kazakhstan;

Whereas between 1945 and 1991, more than 450 nuclear tests were conducted at this site, exposing more than 1.5 million innocent people to radiation and causing damage to the environment;

Whereas the damage to the environment and to the health of the people of Kazakhstan from this terrible legacy of hundreds of detonations of Soviet nuclear explosive devices could be felt for decades to come;

Whereas upon gaining independence, Kazakhstan inherited from the former Soviet Union more than 1,000 nuclear warheads, as well as a squadron of 40 TU–95 heavy bombers armed with 370 nuclear warheads, comprising the world's fourth largest nuclear arsenal;

Whereas Kazakhstan renounced this massive nuclear arsenal, unilaterally disarmed, and joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear weapon state, the first time a state that had possessed such a massive nuclear arsenal had done so;

Whereas Kazakhstan's leadership and cooperation with the United States on nonproliferation matters is a model for other countries to follow;

Whereas Kazakhstan also inherited from the former Soviet Union the world's largest anthrax production and weaponization facility, which had a capacity to produce more than 300 metric tons of anthrax per year;

Whereas Kazakhstan, in cooperation with the United States Cooperative Threat Reduction (CTR) program, dismantled the military-related buildings and equipment associated with the anthrax production and weaponization facility;

Whereas the Government of Kazakhstan, in cooperation with the United States, participated in a very successful secret operation code-named ''Project Sapphire,'' in which 581 kilograms (1,278 pounds) of weapons-grade highly enriched uranium, enough to produce 20 to 25 nuclear warheads, were removed overnight from Kazakhstan;

Whereas in December 2004 and May 2006, Kazakhstan and the United States concluded amendments to a bilateral agreement on the nonproliferation of weapons of mass destruction, which have moved the two countries toward a new level of cooperation in preventing the threat of bio-terrorism; and

Whereas in February 2006, Kazakhstan and the Nuclear Threat Initiative of Washington, D.C., with the support of the United States Department of Energy, blended down 2,900 kilograms (6,600 pounds) of weapons-usable highly enriched uranium, enough to produce up to 25 nuclear warheads, converting the material for peaceful use and preventing it from falling into the hands of terrorist organizations and being used in weapons production: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people and Government of the Republic of Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan;

(2) commends Kazakhstan for greatly advancing the cause of the nonproliferation of weapons of mass destruction as a result of its dismantlement of its nuclear and biological weapons and facilities; and

(3) calls upon the Administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 905, congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site, and for its efforts on nonproliferation of weapons of mass destruction.

Kazakhstan was once home to the second largest nuclear test site in the world. From the years of 1945 to 1991, over 450 tests were carried out at that site.

After becoming independent from the Soviet Union, Kazakhstan was left with more than 1,000 nuclear warheads and with 40 heavy bombers armed with 370 nuclear warheads and comprising the world's fourth largest nuclear arsenal.

Immediately after achieving its independence, Kazakhstan successfully closed and secured its enormous nuclear test site.

Kazakhstan accepted support from the U.S. Department of Energy and readily complied with the nuclear threat initiative, blending down over 6,000 pounds of weapons grade highly enriched uranium.

Given the threats that we are facing from rogue states such as Iran, which has blatantly violated its nuclear nonproliferation obligations and which refuses to immediately stop its nuclear-related and weapons-related activities, we welcome the opportunity to stand here today commemorating Kazakhstan's landmark decision.

In addition to inheriting a massive nuclear arsenal from the Soviet Union, Kazakhstan was also left with the world's largest anthrax production and weaponizing facility.

Through cooperation with the United States Cooperative Threat Reduction program, CTR, Kazakhstan was able to successfully dismantle the military-related buildings and equipment related to such anthrax programs.

I ask my colleagues to support this important resolution and, in so doing, join us in commending the people and the government of Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site and for greatly advancing global nonproliferation efforts by dismantling its nuclear and biological weapons and facilities.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I might consume.

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

Mr. FALEOMAVAEGA. Madam Speaker, again I want to thank my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), especially in her capacity as chairperson of the Subcommittee on the Middle East and Eastern Europe, and especially my good friend, the gentleman from New York (Mr. ACKERMAN), who is our ranking member of the subcommittee. I certainly want to thank also Chairman HENRY HYDE and Mr. TOM LANTOS, our senior ranking member of the House International Relations Committee. Without their support, Madam Speaker, House Resolution 905 would not be possible. And I really, really appreciate their help and assistance in providing this resolution now before the floor.

Madam Speaker, I rise today in support of House Resolution 905, congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in Semipalatinsk region of Kazakhstan, and for its efforts on the nonproliferation of weapons of mass destruction.

House Resolution 905 is historic for these reasons, Madam Speaker. It is historic because this is the first time the U.S. House of Representatives has considered legislation in praise of Kazakhstan, a former Soviet republic that has proved to be a true ally of the United States.

It is also historic because it is being considered on the 60th birthday of my dear friend and brother, I consider my brother, the Honorable Kanat Saudabayev, the Ambassador of the Republic of Kazakhstan to the United States. Ambassador Saudabayev has worked tirelessly to represent the interests of Kazakhstan in the United States and has served His Excellency, Mr. Sursultan Nazarbayev, the President of Kazakhstan, with distinction and honor.

Ambassador Saudabayev and his wife and children and grandchildren are with us. It is my privilege to wish him a happy birthday and commend him for his service to his nation and certainly to the United States as well.

Madam Speaker, House Resolution 905 recognizes Kazakhstan as a model for advancing the cause of nuclear nonproliferation. After the collapse of the Soviet Union in 1991, Kazakhstan inherited a ruined economy and became

overnight the world's fourth largest recipient and supplier of nuclear weapons.

This arsenal of nuclear weapons could possibly have helped to resolve the financial problems of this young and struggling nation. However, under the leadership of President Nazarbayev, the people of Kazakhstan, knowing firsthand the horrible effects of nuclear tests, made a choice to renounce nuclear weapons all together. In fact, immediately after achieving independence, and in spite of threats from the Kremlin, President Nazarbayev closed and sealed the world's second largest nuclear test site at Semipalatinsk, where the Soviet Union conducted almost 500 nuclear tests from 1949 to 1991.

Our Nation assisted President Nazarbayev to dismantle these nuclear weapons through the leadership of former Senator Sam Nunn and Chairman RICHARD LUGAR, with the enactment of the Nunn-Lugar Act that provided the necessary funds to carry out the elimination of these nuclear weapons.

Madam Speaker, today few know about President Nazarbayev's heroic decision which, in my humble opinion, changed the course of modern history. Few know that this story about Kazakhstan did not bargain and did not lobby to gain political or economic dividends from its choice. Rather, Kazakhstan, for the sake of global peace and security, consciously chose to ensure a brighter future for their children and for the rest of the world.

Can you believe a Muslim country having in its possession all these nuclear weapons that President Nazarbayev could have easily doled out, sold them, and made it such that it could have been a very, very dangerous situation for the world.

I believe we should speak out more often of Kazakhstan's example, Madam Speaker. While I am grateful that the world is aware of the Chernobyl disaster, where several thousands perished, I am saddened that the world knows so little about the tragedies of Semipalatinsk, the Marshall Islands and French Polynesia, where children and elderly have gone dying for decades as a result of Cold War policies and also being directly affected because of nuclear contamination.

At Semipalatinsk, Kazakhstan, the cumulative power of explosions from nuclear tests conducted by the former Soviet Union is believed to be equal to the power of 2,500 explosions of the type of bombs dropped in Hiroshima, Japan in 1945. More than 1.5 million people of Kazakhstan suffered from nuclear contamination as a result of these tests, and a horrifying array of diseases will continue to destroy the lives of these good people.

Madam Speaker, as a Pacific Islander, I have a tremendous affinity to the people of Kazakhstan because the Marshallese and the Polynesian Tahitians also know firsthand the horrors of nuclear testing. Bikini is one of 29 atolls and five islands that compose the Marshall Islands. These atolls are located north of the equator and are scattered over some 357,000 square miles of the Pacific Ocean. Because of their location away from regular air and sea routes, these atolls were chosen by our government to be the nuclear proving grounds for the United States.

From 1946 to 1958 the United States detonated 67 nuclear weapons at the Marshall Islands, which included the first hydrogen bomb explosion of what is known as the Bravo shot, a 15 megaton shot, which is equivalent to 1,000 times more powerful than the bombs we dropped on Nagasaki, Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the United States, the Bravo shot vaporized six islands, and created a mushroom cloud 25 miles up in the atmosphere. It has been said that if one were to calculate the net yield of the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

The U.S. nuclear testing program exposed the people of the Marshall Islands to severe health problems and genetic abnormalities for generations. The U.S. nuclear testing program in the Marshall Islands also set a precedent for France to use the islands of the Pacific for its own testing program. For some 30 years the French Government detonated approximately 218 nuclear bombs on Moruroa and Fangataufa atolls near Tahiti.

In 1995, while the world turned a blind eye, the newly elected President, Jacques Chirac, announced that France would violate the 1992 world moratorium on nuclear testing and exploded eight more nuclear bombs on Moruroa and Fangataufa atolls beginning in September 1995.

Chirac said the nuclear explosions would have no ecological consequences. Give me a break. They described his decision as irrevocable. And what is known about this is that we even told France, you don't need to explode any more nuclear bombs. You can do it electronically. Despite all of this, still couldn't do it.

I also made an irrevocable decision to accompany Mr. Oscar Temaru, the current President of French Polynesia on the Greenpeace warrior vessel which took us to Moruroa as part of some 20,000 demonstrators who came from Europe, from Japan, from the United States, from New Zealand, Australia and elsewhere to protest President's Chirac's decision to break France's commitment to a moratorium not to conduct any more nuclear tests.

□ 1545

Later I personally visited Moruroa under the supervision of the French Government, and to this day portions of that atoll is still contaminated.

Madam Speaker, in 2003, as a direct result of my friendship with the good Ambassador from Kazakhstan, I became aware of the magnitude of the problem of Semipalatinsk. In August, 2004, I felt a deep sense of obligation as a Member of Congress who had visited the nuclear test sites in the Marshall Islands and in French Polynesia and also now to the Semipalatinsk test site. During my visit and in later discussions with President Nazarbayev, I learned that I was the first American legislator to set foot on ground zero where the Soviet Union exploded its first nuclear device in 1949. And guess what, Madam Speaker? It is still contaminated to this day.

Madam Speaker, considering the courageous decision made by President Nazarbayev to shut down the Semipalatinsk test site so that you and I and future generations may live in peace, I believe we have a moral responsibility to bear the burdens of our brothers and sisters in Semipalatinsk. This is why I am pleased that this House resolution calls upon the administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

As important as this resolution is, Madam Speaker, I also believe the international community should more fully acknowledge Kazakhstan's tremendous contribution to world peace. While I am pleased this year's Nobel Peace Prize was awarded to the United Nations director general of the International Atomic Energy Agency, the IAEA, I believe President Nazarbayev, Senator RICHARD LUGAR, and Senator Sam Nunn should also be seriously considered for the Nobel Peace Prize for reaffirming the worth and advancing the rights of human beings around the world and by dismantling the world's fourth largest nuclear arsenal, closing and sealing the Semipalatinsk test site, and most recently blending down 6,600 pounds of weapons-usable highly enriched uranium, or enough to produce up to 25 nuclear warheads, converting the material for peaceful use and thereby preventing it from falling into the hands of terrorist organizations.

I submit, Madam Speaker, these are some of the achievements that President Nazarbayev and Senator LUGAR and Senator Nunn have made, and they certainly should be recognized by leaders of our world community.

I want to share with my colleagues the substance of the paper that was delivered by my good friend, Ambassador Saudabayev, concerning what happened in Kazakhstan. And I quote:

''The people of Kazakhstan have experienced firsthand the devastating force of nuclear weapons. During four decades, the Soviet Union conducted 456 nuclear explosions at the world's largest nuclear test site at Semipalatinsk. The cumulative power output of these explosions equaled 2,500

Hiroshima-size bombs. More than 1.5 million Kazaks were exposed.

''That is, Kazakhstan made the unprecedented step in the history of the world and became the first country to shut down a nuclear test site and renounce the world's fourth largest nuclear arsenal. At that time this arsenal was larger than the nuclear weapons stockpiles of Great Britain, France, and China combined. Kazakhstan had 1,040 nuclear warheads for intercontinental ballistic missiles SS–18 and 370 nuclear warheads for cruise missiles and 40 strategic multipurpose bombers TU–95 to deliver them.''

The point I wanted to make about the Ambassador's statement, Madam Speaker, is that Kazakhstan is no longer involved in this madness of developing as well as holding on to nuclear weapons.

With the recent announcement of our need to establish a global initiative to combat nuclear terrorism and on the occasion of the 15th anniversary of the closure of the world's second largest nuclear test site at Semipalatinsk, it is only fitting and fair that we should acknowledge Kazakhstan's commitment and leadership in nuclear disarmament and nonproliferation. For this reason I urge my colleagues to support the House Resolution 905.

Madam Speaker, I rise in strong support of this resolution. H. Res. 905 congratulates Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction.

H. Res. 905 is non-controversial and historic. It is historic because this is the first time the U.S. House of Representatives has considered legislation in praise of Kazakhstan, a former Soviet Republic that has proved to be a true ally of the U.S.

It is also historic because it is being considered on the 60th birthday of my friend and brother, His Excellency Kanat Saudabayev, Ambassador of the Republic of Kazakhstan. Ambassador Saudabayev has worked tirelessly to represent the interests of Kazakhstan in the U.S. and has served his President, Nursultan Nazarbayev, with distinction and honor and, today, it is my privilege to wish him a happy birthday and commend him for his service to his nation and ours.

Also, at this time, I thank Chairman HENRY HYDE and Ranking Member TOM LANTOS of the International Relations Committee for their support in moving this important legislation forward. I also thank Congresswoman ILEANA ROS-LEHTINEN and Congressman GARY ACKERMAN, Chair and Ranking Member of the Subcommittee on the Middle East and Central Asia, for cosponsoring this legislation. Without their support, H. Res. 905 would not be possible.

H. Res. 905 recognizes Kazakhstan as a model for advancing the cause of nuclear nonproliferation. After the collapse of the Soviet Union in 1991, Kazakhstan inherited a ruined economy and the World's fourth largest nuclear arsenal. This arsenal could possibly have helped to resolve the financial problems of this young and struggling nation.

However, led by President Nazarbayev, the people of Kazakhstan, knowing firsthand the horrible effects of nuclear tests, made a choice to renounce nuclear weapons. In fact, immediately after achieving independence and in spite of threats from the Kremlin, President Nazarbayev closed and sealed the world's second largest nuclear test site at Semipalatinsk where the Soviet Union conducted more than 450 nuclear tests from 1949 to 1991.

Today, few know about President Nazarbayev's heroic decision which undoubtedly changed the course of modern history. Few know this story because Kazakhstan did not bargain and did not lobby to gain political or economic dividends from its choice. Rather, Kazakhstan, for the sake of global peace and security, consciously chose to ensure a brighter future for their children and ours.

For this reason, I believe we should speak more often of Kazakhstan's example. While I am grateful that the world is aware of the Chernobyl disaster where thousands perished, I am saddened that the world knows so little about the tragedies of Semipalatinsk, the Marshall Islands and French Polynesia where children and the elderly have been dying for decades as a result of Cold War policies that to this day have never been set right.

In Semipalatinsk, the cumulative power of explosions from nuclear tests conducted by the former Soviet Union is believed to be equal to the power of 2,500 explosions of the type of bomb dropped on Hiroshima, Japan in 1945. More than 1.5 million people in Kazakhstan suffered from nuclear contamination as a result of these tests and a horrifying array of disease will continue to destroy the lives of many more.

As a Pacific Islander, I have a special affinity for the people of Kazakhstan because the Marshallese and Polynesian Tahitians also know firsthand the horrors of nuclear testing. Bikini is one of 29 atolls and five islands that compose the Marshall Islands. These atolls are located north of the equator and are scattered over 357,000 square miles of the Pacific Ocean. Because of their location away from regular air and sea routes, these atolls were chosen to be the nuclear proving ground for the United States.

From 1946 to 1958, the United States detonated 66 nuclear weapons in the Marshall Islands including the first hydrogen bomb,or Bravo shot, which was 1,000 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the U.S., the Bravo shot vaporized 6 islands and created a mushroom cloud 25 miles in diameter. It has been said that if one were to calculate the net yield of the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

The U.S. nuclear testing program exposed the people of the Marshall Islands to severe health problems and genetic anomalies for generations to come. The U.S. nuclear testing program in the Marshall Islands also set a precedent for France to use the islands of the Pacific for its own testing program. For some 30 years, the French Government detonated approximately 218 nuclear devices at Moruroa and Fangataufa atolls in Tahiti. In 1995, while the world turned a blind eye, the newly elected President of France, Jacques Chirac, announced that France would violate the 1992 world moratorium on nuclear testing and explode 8 more nuclear bombs at Moruroa and Fangataufa atolls beginning in September 1995. Chirac said that the nuclear explosions would have no ''ecological consequences'' and described his decision a ''irrevocable.''

I also made an irrevocable decision and, in August 1995, accompanied Mr. Oscar Temaru, who is now the President of French Polynesia, on the Green Peace Warrior which took us to Moruroa in protest of President Chirac's decision to break the world moratorium. Later, I personally visited Moruroa under the supervision of the French Government and I remember well the fact that on certain areas of the island, it was off-limits and obviously contaminated and unfit for human occupation. After years of denial, the French Government has finally admitted there are leakages of radioactive materials from these atolls where the nuclear tests were conducted. As a result, some 10,000 Tahitians are believed to be severely exposed to nuclear radiation and the French Government has done little or nothing to properly diagnose or even give medical treatment to the Tahitian workers who were victims of this tragedy.

In 2003, as a direct result of my friendship with Ambassador Saudabayev, I became aware of the magnitude of the problem of Semipalatinsk. In August 2004, I felt a deep sense of obligation as a Member of Congress who had visited the nuclear test sites in the Marshall Islands and Tahiti to also visit the Semipalatinsk test site. During my visit and in later discussions with President Nazarbayev, I learned that I was the first American legislator to set foot on ground zero in Kazakhstan.

Considering the courageous decision made by President Nazarbayev to shut down the Semipalatinsk test site so that you and I and future generations may live in peace, I believe we have a moral responsibility to bear the burdens of our brothers and sisters in Semipalatinsk. This is why I am pleased that H. Res. 905 calls upon the Administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

As important as this resolution is, I also believe the international community should more fully acknowledge Kazakhstan's contribution to world peace. While I am pleased that this year's Nobel Peace Prize was awarded to the Director General of the International Atomic Energy Agency (IAEA), I believe President Nazarbayev should also receive the Nobel Peace Prize for reaffirming the worth and advancing the rights of the human person by dismantling the world's 4th largest nuclear arsenal, closing and sealing the Semipalatinsk test site, and most recently blending down 6,600 pounds of weapons-usable highly enriched uranium, or enough to produce up to 25 nuclear warheads, converting the material for peaceful use and thereby preventing it from falling into the hands of terrorist organizations.

I also believe Senator RICHARD LUGAR and former Senator Sam Nunn should likewise be honored for establishing the Nunn-Lugar Cooperative Threat Reduction (CTR) program which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological and chemical weapons.

With the recent announcement of our need to establish a global initiative to combat nuclear terrorism and on the occasion of the 15th anniversary of the closure of the world's second largest nuclear test site at Semipalatinsk, it is only fitting and fair that we should acknowledge Kazakhstan's commitment and leadership in nuclear disarmament and nonproliferation. For this reason, I urge my colleagues to support H. Res. 905 and I thank Minority Leader PELOSI and Majority Leader BOEHNER for bringing this timely resolution to the floor.

Madam Speaker, I gladly yield 5 minutes to my dear friend and colleague from the great State of Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the gentleman from American Samoa for yielding.

I rise today to congratulate the people and the Government of the Republic of Kazakhstan on the 15th anniversary of the closure of the former Soviet nuclear test site within their borders. I am pleased to commend Kazakhstan on its tireless work for nonproliferation of weapons of mass destruction, and I call upon the administration and my colleagues here in Congress to assist Kazakhstan in assessing the environmental damage caused by Soviet testing.

This is a very important and very personal issue to me. I represent southern Nevada, where the United States detonated over 900 nuclear bombs at the Nevada test site in the 1950s and 1960s. Nevadans and residents of surrounding States paid a very heavy price for this testing especially during the above-ground testing years. Environmental contamination and the devastating impact on the health of the people living in this area, living in the southwestern region of the United States of America, were unconscionable and unacceptable and can never be allowed to happen again.

I remember as a kid growing up in Las Vegas, so many of my friends' mothers and fathers worked at the Nevada test site. They would be bussed into the test site during the week. They would be bussed home during the weekend. Little did any of us realize that they were being contaminated as they worked for our government in the attempt and in the thought that they were doing something good and important for national security.

I recall, after being elected to Congress, going to a meeting of all the former Nevada test site workers, at least those that were still alive. There were 200 people in the room when I walked in. We asked that everybody in the room that had been a worker at the test site who had some form of cancer, if they would mind standing and acknowledging that fact. Every single person in that room, all 200 of them, stood up because they were all suffering from a form of cancer.

Radioactive contamination from tests in both Nevada and in Kazakhstan indiscriminately spread across the globe, eventually causing world powers to recognize the terrible health risks, stop atmospheric testing, and finally end all testing. We must prevent a return to nuclear testing, and we must continue to redress the problems that have been caused by testing over the last 60 years and continue to cause environmental and health threats from the United States to the former Soviet Union, Kazakhstan, to the South Pacific, Marshall Islands, and many other places that have been harmed by nuclear testing.

Today is the 60th birthday of my friend and partner in opposing nuclear proliferation, His Excellency Kanat Saudabayev, the Ambassador to the United States from the Republic of Kazakhstan. I do not think it is appropriate to acknowledge the fact that he is in the gallery, but I will be joining him in the gallery to congratulate him on reaching this milestone when I conclude my remarks.

It was my great pleasure in June to cochair, at his suggestion, a public symposium in Las Vegas on the Legacy and Lessons of Nuclear Testing in Kazakhstan and Nevada. Over 100 of my constituents joined me and the Ambassador for this remarkable event, and it was with a strong sense of commitment that I submitted into the CONGRESSIONAL RECORD the Ambassador's and my joint statement of opposition to nuclear proliferation and our ongoing commitment to working for a safer world.

I salute the Ambassador, his President, and the people of Kazakhstan and look forward to working with them on eliminating the threat of nuclear testing and nuclear weapons proliferation and congratulate them for their very courageous actions.

I wholeheartedly support H. Res. 905. I commend my friend and colleague, the gentleman from American Samoa, for drafting this timely and important resolution, and I strongly urge its passage.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 5 minutes of our time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. The gentleman from American Samoa is recognized for 5 additional minutes.

Mr. FALEOMAVAEGA. Madam Speaker, how much more time do I have on this side?

The SPEAKER pro tempore. The gentleman has 8½ minutes.

Mr. FALEOMAVAEGA. Thank you, Madam Speaker.

I want to commend the gentlewoman from Nevada for a most eloquent statement. And nothing pleases me more than to know that one of my colleagues has had personal experience in dealing with nuclear testing.

I must say for the record I am probably one of the few Members who have ever visited the actual nuclear test sites. I have been to French Polynesia. I have been to Moruroa. It is not a very pleasant sight when you see a nuclear explosion like a flower, a beautiful array of colors, but very deadly. I have been to Semipalatinsk, ground zero, where the Soviet Union exploded its first nuclear weapon in 1949. That place is still contaminated. So with 10,000 French Tahitians who were exposed to nuclear contamination, 1.5 million people of Kazakhstan exposed to nuclear contamination, several hundred Marshallese people exposed to nuclear contamination, Madam Speaker, I submit we have a moral obligation to help these people, to assist them with their medical needs. And, unfortunately, I must say my own government has not done a very good job in helping the people of the Marshall Islands, providing the best medical treatment that we can give.

When that 15-megaton hydrogen bomb was exploded, there was no warning given to the people living in Rongelap and Utirik. And guess what? That nuclear cloud that came over as result of the explosion of this hydrogen bomb literally caused some very serious problems. I have talked to some of the women in the Marshall Islands. Five times they have had to have cancer operations of the lymph nodes. And this is just an example of our failure as a government to fulfill our responsibility to what we have done to these people in the Marshall Islands.

And I want to say that I commend also the Government of Kazakhstan and all the efforts that they are making. I visited the hospitals, seen the nuclear victims and, sad to say, the cancer, the results of women not giving birth in normal cycles.

This is very bad, and I sincerely hope that my colleagues and we as a government could be more responsible, especially in our responsibility to the people of the Marshall Islands.

Madam Speaker, I have several documents of a symposium that was conducted December 16, 2003, here in Washington, D.C., and I will include in the RECORD the statement of Ambassador Kanat Saudabayev and a table also indicating the various nuclear explosions that had taken place since we started this madness in 1945 up until 1998.

A realistic comparison to make here: We exploded a 15-megaton bomb. The Soviet Union exploded a 50-megaton hydrogen bomb in 1961, which was 3,333 times more powerful than the Hiroshima and Nagasaki atom bombs that we exploded in Japan. You can just imagine what this means to the 1.5 million Kazaks who were exposed in this terrible, terrible time of our world's history, what the Soviet Union had done to these good people.

Madam Speaker, again I want to thank my good friend, the gentlewoman from Florida for her support and management of this legislation.

I urge my colleagues to support this resolution.

SYMPOSIUM REMARKS BY KANAT SAUDABAYEV

Hon. Senator Nunn, Congressmen Faleomavaega, Your Excellencies, Ladies and gentlemen, It is difficult to overestimate the pressing urgency of today's symposium; weapons of mass destruction and the desire by international terrorists to use them have become the most dangerous threat in the world.

The people of Kazakhstan have experienced first-hand the devastating force of nuclear weapons. During four decades, the Soviet Union conducted 456 nuclear explosions at the world's largest nuclear test site at Semipalatinsk. The cumulative power output of these explosions equaled 2,500 Hiroshima-size bombs. More than 1.5 million people suffered from these tests in Kazakhstan, and vast territories became absolutely useless for life.

That is why Kazakhstan made the unprecedented step in the history of the world, and became the first country to shut down a nuclear test site and renounce the world's fourth largest nuclear arsenal. At that time this arsenal was larger than the nuclear weapons stockpiles of Great Britain, France and China combined. Kazakhstan had 1,040 nuclear warheads for intercontinental. ballistic missiles (ICBMs) 55–18 and 370 nuclear warheads for cruise missiles, and 40 strategic multipurpose bombers TU–95 to deliver them.

Today, there are no nuclear weapons in Kazakhstan. The infrastructure of the test site has been demolished. This was possible due to close cooperation between our two countries during the past decade under the Nunn-Lugar Program.

It could have been very different. In the early days of independence, there was no shortage of foreign emissaries asking our President to keep the nuclear weapons, saying that you are going to be the first and only Muslim nation with nuclear weapons and that you are going to be respected by the whole world. I must say that a significant portion of Kazakhstan's elite of that time were also in favor of keeping the nuclear arsenal. Today it would be fair to say that our renunciation of nuclear weapons was a courageous choice of historic significance by the President of Kazakhstan, Nursultan Nazarbayev.

The President convincingly tells the story of what was behind that choice in his book, Epicenter of Peace, which we present to you today. I must say that the book's first presentation in Washington was supposed to happen on September 11, 2001. The time that has passed since that tragic day has only confirmed and reinforced the urgent need to tackle the problems discussed in the book. Yet another argument against weapons of mass destruction and their proliferation is the photo exhibit, Kazakhstan: From Nuclear Nightmare to Epicenter of Peace, which you can see here.

Today Kazakhstan strongly urges the world to follow our example and further reduce and eliminate nuclear arsenals as well as other weapons of mass destruction, and prevent them from falling into the hands of terrorists.

This is the reason Kazakhstan has become a strong partner of the United States and the international coalition in the fight against terrorism from the very first days after the tragedy of September 11. We provide assistance to Operation Enduring Freedom in Afghanistan. Today our troops, the only ones. from our region, are taking part in the post-war stabilization and restoration of Iraq.

I believe Kazakhstan's experience of cooperating with the United States in nonproliferation of weapons of mass destruction and eliminating the infrastructure that supports them provide meaningful answers to modern challenges.

We are eager to further strengthen our cooperation with the United States and other nations who are interested in the prevention of further proliferation of WMDs.

Today's forum, taking place in the U.S. Congress, a universally recognized citadel of democracy and freedom, is vivid proof of strengthening cooperation between Kazakhstan and the U.S. to ensure security in the world.

There are people in this room today who by the call of duty and the call of heart are committed to the ideal of nonproliferation and are doing everything possible to free the world of the threat of weapons of mass destruction. The symposium has gained a special significance with the participation of outstanding statesmen such as senators Sam Nunn and Richard Lugar who established the famous Cooperative Threat Reduction Program. I believe their enormous contribution to global security has yet to be fully appreciated by the world.

The Presidents of our two countries, George W. Bush and Nursultan Nazarbayev, support this symposium's goals and each sent a message. It is with great pleasure that I would like to carry out the honorable mission assigned to me by President Nursultan Nazarbayev and read out his message to the symposium.

Ambassador Saudabayev, assigned to Washington since December 2000, brings an important contribution strengthening the growing strategic partnership between Kazakhstan and the United States of America in the spheres of security, economy and democratic development.

Before his appointment to the U.S., Ambassador Saudabayev had a long career in the fields of government, diplomacy and the arts.

In 1999 and 2000, he served as the head of the Prime Minister's Office with the rank of Cabinet member.

In the 1990s, he served as Kazakhstan's Ambassador to the United Kingdom of Great Britain and Northern Ireland, and to Turkey.

During 1994, as the Minister of Foreign Affairs, Ambassador Saudabayev worked to implement the developing foreign policy of his young independent state. He was Kazakhstan's signatory to NATO's Partnership for Peace agreement.

In the fall of 1991, he became the last Soviet Ambassador ever appointed, to Turkey, by President Mikhail S. Gorbachev. As he was planning to take up his post, the Soviet Union ceased to exist. Within weeks he was on his way to Turkey again, but as the first Ambassador ever from an independent Kazakhstan to any nation.

Working in Moscow from September 1991 through May 1992 as the Plenipotentiary Representative of the Kazakh Soviet Socialist Republic to the USSR, and then, after the Soviet Union collapsed, to the new Russian republic, Kanat Saudabayev was a direct participant in and a witness to many crucial events of those historic days.

Before entering the diplomatic service, Ambassador Saudabayev had a distinguished cultural career serving as Chairman of the State Committee of Culture with the rank of Minister, Chairman of the State Film Committee, and Deputy Culture Minister. He began his career as a theatrical producer.

Ambassador Saudabayev holds degrees from the Leningrad Institute of Culture and the Academy of Public Sciences of the Central Committee of Communist Party of the Soviet Union. He has a Ph.D. in Philosophy from the Kazakh State University and a Ph.D. in Political Science from Moscow State University. His service has been recognized with the Order of Kurmet (Distinguished Service).

Kanat Saudabayev is married to Kullikhan with two sons and a daughter, and three grandchildren. He was born in the Almaty region in 1946.

MILESTONE NUCLEAR EXPLOSIONS

[The following list is of milestone nuclear explosions. In addition to the atomic bombings of Hiroshima and Nagasaki, the first nuclear test of a given weapon type for a country is included, and tests which were otherwise notable (such as the largest test ever). All yields (explosive power) are given in their estimated energy equivalents in kilotons of TNT (see megaton).]

Date	Name	Yield (kt)	Country	Significance
Jul 16 1945	Trinity	19	USA	First fission weapon test
Aug 6 1945	Little Boy	15	USA	Bombing of Hiroshima, Japan
Aug 9 1945	Fat Man	21	USA	Bombing of Nagasaki, Japan
Aug 29 1949	Joe 1	22	USSR	First fission weapon test by the USSR
Oct 3 1952	Hurricane	25	UK	First fission weapon test by the UK
Nov 1 1952	Ivy Mike	10,200	USA	First "staged" thermonuclear weapon test (not deployable)
Aug 12 1953	Joe 4	400	USSR	First fusion weapon test by the USSR (not "staged", but deployable)
Mar 1 1954	Castle Bravo	15,000	USA	First deployable "staged" thermonuclear weapon; fallout accident
Nov 22 1955	RDS–37	1,600	USSR	First "staged" thermonuclear weapon test by the USSR (deployable)
Nov 8 1957	Grapple X	1,800	UK	First (successful) "staged" thermonuclear weapon test by the UK
Feb 13 1960	Gerboise Bleue	60	France	First fission weapon test by France
Oct 31 1961	Tsar Bomba	50,000	USSR	Largest thermonuclear weapon ever tested
Oct 16 1964	596	22	China	First fission weapon test by China
June 17 1967	Test No. 6	3,300	China	First "staged" thermonuclear weapon test by China
Aug 24 1968	Canopus	2,600	France	First "staged" thermonuclear test by France
May 18 1974	Smiling Buddha	12	India	First fission nuclear explosive test by India
May 11 1998	Shakti I	43	India	First potential fusion/boosted weapon test by India (exact yields disputed, between 25kt and 45kt)
May 13 1998	Shakti II	12	India	First fission "weapon" test by India
May 28 1998	Chagai-I	9	Pakistan	First fission weapon test by Pakistan

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution. I would first like to commend my good friend and colleague from American Samoa, ENI FALEOMAVAEGA, for introducing this important measure. He has been the leader in Congress on matters related to the legacy of nuclear testing, both in the former Soviet Union and in the Pacific, and we greatly appreciate his hard work.

Madam Speaker, upon the dissolution of the Soviet Union, the newly-minted independent nation of Kazakhstan found itself in possession of the fourth largest nuclear arsenal in the world. Kazakhstan inherited more than 1,000 nuclear weapons and a squadron of heavy bombers armed with 370 nuclear warheads from the Soviet Union.

Rather than embrace their nuclear status, the people of Kazakhstan made a farsighted decision fifteen years ago. They closed their nation's nuclear test site, and yielded all of their inherited nuclear arsenal and weapons materials back to Russia.

Kazakhstan, the victim for so long of Soviet domination, completely and voluntarily rescinded their membership in the nuclear club. The nation proudly joined the Treaty on the Non-Proliferation of Nuclear Weapons, or ''NPT'', as a non-nuclear weapon state, the first time a state that had possessed such a massive nuclear arsenal had done so.

While Kazakhstan made a wise decision to rid itself of its nuclear arsenal, the damage to the environment and to the health of the people of Kazakhstan will be felt for decades to come. Between 1945 and 1991, more than 450 nuclear tests were conducted at the Semipalatink test site, exposing more than 1.5 million innocent people to radiation and causing massive damage to the environment.

It is for that reason that the United States should work with Kazakhstan to establish a joint working group to help assess the environmental damage and health affects caused by the nuclear testing.

Madam Speaker, Kazakhstan's commitment to nuclear non-proliferation, and to nuclear disarmament, is an inspiring one, and a shining example for others to follow. It has strengthened immeasurably the global nuclear non-proliferation regime, and we greatly appreciate these actions.

Madam Speaker, I strongly support this resolution, and I urge all of my colleagues to join me in doing likewise.

Mr. FALEOMAVAEGA. Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 905.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

COMMENDING AND SUPPORTING RADIO AL MAHABA

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 784) commending and supporting Radio Al Mahaba, Iraq's first and only radio station for women.

The Clerk read as follows:

H. RES. 784

Whereas Radio Al Mahaba, Iraq's first and only radio station for women, went on the air on April 1, 2005;

Whereas Radio Al Mahaba is an educational tool, broadcasting in three different languages and giving women freedom to voice opinions and hear other opinions;

Whereas Radio Al Mahaba airs shows dedicated to women's rights and women's issues;

Whereas such shows are devoted to relationships, parenting, and other social topics;

Whereas despite terrible risks, the staff of Radio Al Mahaba works at the station because they want to reach out and touch peoples' lives, and they want to give hope, knowledge, empowerment, support, and a passage to freedom to Iraqi women;

Whereas Radio Al Mahaba, amid the struggles in Iraq, has followed the examples of the United States which guarantees freedoms of speech and the press, thereby encouraging Iraqis to build an open, democratic civil society;

Whereas Radio Al Mahaba has a positive, important role in educating women;

Whereas Radio Al Mahaba provides women with freedom of speech;

Whereas Radio Al Mahaba provides an opportunity for women to secure their role in the governance of a civil society within Iraq; and

Whereas Radio Al Mahaba meets a palpable need of Iraqi women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the efforts of Radio Al Mahaba to provide Iraqi women with freedom of speech and an opportunity for women to be included in and informed of the reconstruction of Iraq with an open, democratic civil society;

(2) supports the mission of Radio Al Mahaba; and

(3) urges Al Mahaba to continue its important work.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

□ 1600

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 784, introduced by our colleague Mrs. MCCARTHY, and a measure of which I am proud to be an original cosponsor, commends and supports Iraq's first and only radio station for women, Al Mahaba. All of us who have spent time in the Middle East know of the courage that it takes for women to take to the airwaves and provide education and information for women.

It was April 1, 2005, when Al Mahaba first went on the air. Despite personal risk, these courageous people took to the airwaves, in the words of the resolution, to reach out and touch people's lives, and give hope, knowledge empowerment, support and a passage to freedom to Iraqi women.

Its commitment was to serve as an important education resource for women, for broadcasting in three languages, and enabling women to hear, some for the very first time, messages about women's rights and women's issues. Radio Al Mahaba provides a forum for women to voice their opinions and to hear the opinions of other women who face the complexities of life for women in the Middle East.

The programming on Al Mahaba deals with issues specifically focused on women, which includes such important topics as relationships, parenting and other social issues which are not dealt with in other media. This radio station, which operates within the aura of what we in America know as our first amendment rights of freedom of speech and freedom of the press, is a wonderful example to Iraqi women and Iraqi people nationwide of the benefits of freedom. It plays an important role in paving the way for women to have more of a fundamental impact on Iraqi society.

House Resolution 784 appropriately commends the efforts of these pioneers. It supports the mission of Radio Al Mahaba and it encourages it to continue with its important work. I urge my colleagues, Mr. Speaker, to support this important resolution.

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

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first I would like to commend and thank my good friend and colleague from New York, CAROLYN MCCARTHY, for sponsoring this very important measure.

Mr. Speaker, our intervention in Iraq and its aftermath have not been without controversy, but there are some developments there that I know every Member of this body is happy to embrace. Radio Al Mahaba represents just such a development.

Radio Al Mahaba is a unique phenomenon in the Middle East, a radio station for women dealing with issues of interest to women, and, more importantly, run by women.

In a society where a majority of women are illiterate, radio is a vital

means of imparting information. Of course, female illiteracy is a problem in virtually every state in the Islamic Middle East, which is precisely why Radio Al Mahaba is a model for the region.

I am pleased to report, Mr. Speaker, that Radio Al Mahaba is a fully independent radio station, both politically and religiously. It is surely one of the few Iraqi radio stations, some say the only one, that can be described in that way.

Mr. Speaker, Radio Al Mahaba was founded 1 year ago with a $500,000 grant from the United Nations Development Fund for Women. It started out broadcasting 6 hours a day; and as a result of its incredible popularity, it was up to 16 hours a day very soon thereafter. Unfortunately, it was forced to cut back after terrorists destroyed its transmitter. Nonetheless, Al Mahaba carries on.

Radio Al Mahaba is a beacon of free expression for Iraqi women, and it has the potential to make a remarkable contribution to the political and cultural growth of Iraqi society as a whole. It deserves the support of every Member of this body, as does the resolution commending its work.

Mr. Speaker, I strongly support this resolution and urge all of our colleagues to do likewise.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, the sponsor of the resolution, CAROLYN MCCARTHY.

Mrs. MCCARTHY. Mr. Speaker, I want to thank my colleague from New York for allowing me to speak on this, and I also want to thank my colleague from Florida, who has been a sponsor. We actually had a trip of women that went to Iraq and saw firsthand how important it is for the Iraqi women to have a voice.

Historically, Iraqi women were extremely well educated, but the educational suppression brought on by Saddam Hussein led to the illiteracy rate of women rising to almost 75 percent.

After Saddam was ousted, Bushra Jamil, an Iraqi who was living in Canada, saw an opportunity to empower the women of Iraq as it transitioned to democracy. Bushra returned home and created Radio Al Mahaba, the Middle East's only radio station for women. The station became so popular that they were broadcasting, as my colleague had said, 16 hours a day in three languages, Arabic, Kurdish and English.

While we take radio shows that cater to women for granted, this was a revolutionary concept in the Middle East. Women who had been oppressed for years were finally able to hear their side of the story.

The radio station provided a forum for women to make sure their voices were heard. The station received 100 calls a day from women asking questions, giving advice and voicing their opinions on the rebuilding of their country. The radio station had found an audience, and they were now financially sustainable through sponsorships.

But last October, unfortunately, the radio station fell silent. The terrorist attack on the Palestinian hotel in Baghdad destroyed their transmitter. And while the station was not the target of this attack, many leaders in Iraq were not all upset that these women's voices were silenced.

They found another transmitter, but it wasn't as powerful as the one they lost during the terrorist attack. This new transmitter could only reach about a third of their listening audience. Fewer listeners meant less sponsorship revenue for the station.

Unfortunately, the rented transmitter broke down about a month ago, and they are in desperate need of funds to get back on the air. Once they receive this funding, they plan to expand their listening audience to include all of Iraq and its neighbors. They are also planning on broadcasting in Persian to reach the women of Iran, who have been oppressed for nearly 30 years.

The radio station can be the place for women in Iraq and throughout the Middle East to learn about the issues that will affect their lives. The right to educate one's self and to be heard are cornerstones of our own democracy, and these characteristics should be carried over into the new Iraq.

The station's 28 full-time and part-time staff risk their lives every day by going to work. These people are Iraqi patriots, and I am confident their sacrifices will be rewarded.

Mr. Speaker, I recently had a chance to speak to President Bush about the station and he was very enthusiastic about the role it will play in a democratic Iraq.

Mr. Speaker, I strongly support this station and the resolution. I would like to thank members of the Iraqi Women's Caucus and the International Relations Committee. I would also like to thank Representatives OSBORNE, TAUSCHER, GRANGER, SOLIS, my colleague from New York, Mr. ACKERMAN and, of course, my colleague from Florida, Ms. ROS-LEHTINEN, Chairman HYDE and Ranking Member LANTOS for their strong support of this station and this resolution. This has been a bipartisan effort from the start, and I hope we can continue to work together.

Mr. Speaker, with all the bad news that is coming out of Iraq, we must recognize those who are really trying to make a free Iraq. Democracy takes a long time. We can do this, but we all must work together.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield the balance of my time to the gentleman from Nebraska (Mr. OSBORNE) who is going to close our debate, the cochair of the Iraqi Women's Caucus here in the House.

Mr. OSBORNE. Mr. Speaker, as has been mentioned, I have served as a cochair of the Iraqi Women's Caucus. Some people may say, well, why would you have a Women's Caucus? The reason is at one point we were meeting with Paul Wolfowitz, and Paul was mentioning the fact that women had been subjugated in Iraq, had not been given a voice. So at that time Jennifer Dunn and I thought that maybe doing something to encourage Iraqi women would be helpful, because women tend to be oriented toward family, toward children, and they tend not to be as isolated by tribes, by ethnicity. As a result, we formed the Iraqi Women's Caucus. We felt that women could be a key to uniting Iraq.

So we are very encouraged by Radio Al Mahaba and the fact that they are now broadcasting in three languages. They do not recognize differences between the Shiia, the Kurds and the Sunnis; and they devote themselves almost entirely to women's issues. We feel that this is something that absolutely has to be encouraged.

In talking to Iraqi women who have come to the United States, and we have had many groups who come here, they have said that really Iraq is not as divided as most people in the United States believe, because there is intermarriage and there are cousins who are from one tribe or another and they all are related. So we feel that endeavors such as this are really important.

Mr. Speaker, we particularly want to commend the staff at the radio station, Al Mahaba, for their bravery, for their fortitude, and for what they are doing to try to bring Iraq together. I think one thing that we will find is that humanity has certain common instincts and needs, and certainly the desire to nurture on the part of women, and men as well, the desire to have strong families, the desire to have our children have a better life than what we had is something that is common to all of us.

So as we point out these things and as this radio station capitalizes on those instincts, I think we certainly are moving toward a better day in Iraq.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 784, which commends and supports Radio Al Mahaba, Iraq's first and only radio station for women.

In the midst of all the bad news coming out of Iraq, it is important that we recognize one of the positive developments there. Radio Al Mahaba provides a unique service to the citizens of Iraq, particularly the women. It allows Iraqi women to express their opinions about issues important to them, including women's rights.

For Iraq to have any kind of future, there must be full participation and equal treatment under the law for women in Iraq. The voices of Iraqi women must be heard in all levels of government, the private sector, in schools, and in the media. I am pleased that today this body officially goes on the record in support of these efforts.

However, we should not stop here. We must continue to encourage the leadership in Iraq to protect the rights of women, particularly in the amendment process for the constitution. Iraqi women and men should be guaranteed equality in the constitution to ensure that women

will never become second-class citizens. Both women and men should have the right to vote, access to equal opportunities, and equal treatment under the law. I am particularly concerned that final language in the constitution could limit women's rights, including in matters such as divorce, child custody, and inheritance.

I have introduced legislation, H.R. 5548, the ''Empowerment of Iraqi Women Act of 2006,'' which would establish an Iraqi Women's Fund to help Iraqi women and girls in the areas of political, legal, and human rights, health care, education, training, security, and shelter, and it would authorize $22,500,000 in each fiscal year 2007, 2008, and 2009 for this fund. I have met with several delegations of Iraqi women during my trips to Iraq and here in Washington. I am always inspired by their strength and courage to speak out in support of equality, even in the face of danger. While these women have hope, they understand that the future is very uncertain.

I know my colleagues join me in expressing our strong support and solidarity with the women of Iraq as they fight for the rights to which they are entitled. I urge a ''yes'' vote on this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 784, a resolution that would celebrate Radio Al Mahaba, the first and only radio station for women in Iraq. Located in a country that only just recently employed a democratic system, Radio Al Mahaba is a true symbol of the rights associated with that system.

In Iraq's history, women were typically denied their basic rights. Radio Al Mahaba, which means ''Voice of Women,'' first went on the air on April 1, 2005 and represents just the opposite of this norm. It has become a forum where women can voice and discuss opinions and practice their freedoms of speech and the press. The station offers speaking opportunities for local volunteers and female journalists. It has been an effective tool not only to reach out to women throughout Iraq, but also to encourage greater female participation in the electoral process. Thus, the establishment of Radio Al Mahaba was truly a step in the right direction towards establishing autonomy and liberties for women in Iraq.

Moreover, Radio Al Mahaba can be a key source for open communication among the people of Iraq, delivering information, such as news alerts, when necessary. It also represents a positive result of the U.S. presence in Iraq.

Today, it is critical that we commend Radio Al Mahaba for its inspiring work and encourage it to stay on the air for years to come. I commend Congresswoman MCCARTHY for proposing H. Res. 784, and I strongly urge my colleagues to join me in supporting it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to support House Resolution 784, the resolution that commends Iraq's first and only radio station for women.

As the women of Iraq continue to fight for their rightful place in society, we must recognize the avenues they have engineered for themselves that provide the forum for practicing their right to be heard.

Established in 2005, the radio station is appropriately named al-Mahaba, which means ''love'' in Arabic, is the first and only independent women's radio station in Iraq. The station was funded by UNIFEM, a United Nations agency that supports women's issues, and is not affiliated to any political party.

Having returned from a recent Codel trip to Iraq, I was very fortunate to have met with women representatives from the radio station who expressed their commitment to women's issues. These strong and courageous women understand much too well the importance of taking a stand against oppression and know they have found a new sense of empowerment.

The station's purpose is to reconcile women's rights, which have been arbitrarily taken away by political regimes; and to encourage them to face their fears and learn to assert themselves as women.

I support the format facilitated by the radio station because it provides women with a long overdue venue where they can tell their stories, share their ambitions and express their fears.

When calling the radio station, these women address a wide range of personal and political issues that have a direct affect on them as women. The format allows them to candidly share enduring numerous beatings from their husbands; share their frustrations with the consistent pressure from religious groups to wear the hijab; and express their fear of having a strict form of Islamic Law imbedded in their society.

For women who feel as forgotten members of society, the radio station provides them a haven to freely express themselves without fear of judgment or persecution. These women endure immense atrocities and oppressions and we must support and recognize their efforts to assert themselves as strong voices in Iraq's society.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 784.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

CONVEYANCE OF REVERSIONARY INTEREST OF UNITED STATES IN CERTAIN LANDS TO CLINT INDEPENDENT SCHOOL DISTRICT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

The Clerk read as follows:

H.R. 860

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

SECTION 1. CONVEYANCE OF PROPERTY.

(a) CONVEYANCE.—Subject to section 2, the Secretary of State shall execute and file in the appropriate office such instrument as may be necessary to release the reversionary interest of the United States in the land referred to in subsection (b).

(b) LAND DESCRIBED.—The land described in this subsection consists of Tracts 4–B, 5, and 7, Block 14, San Elizario Grant, County of El Paso, State of Texas.

SEC. 2. TERMS AND CONDITIONS.

The release under section 1 shall be made upon condition that the Clint Independent School District in the County of El Paso, State of Texas, use any proceeds received from the disposal of such land for public educational purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 860, a bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District of El Paso County, Texas.

In 1940, the Clint District School received 20 acres of land that the United States Government had obtained by treaty with Mexico. The Department of State retained reversionary interests in the parcel. Because of legislation passed in 1957, Clint was able to trade the land for another piece of land in which the U.S. Government also had a reversionary interest. The Clint School District still owns that piece of land.

During the 105th Congress, Congressman REYES introduced legislation, a similar bill to the one before us, which would have provided for the conveyance of the reversionary interest of the United States in this land to the Clint Independent School District. This legislation became public law number 105–169 on April 24, 1998, but a drafting error led to the misidentification of the land in question and thus rendered this public law obsolete. This bill before us, Mr. Speaker, H.R. 860, corrects that error.

Mr. Speaker, because the land in question still lies outside of Clint's boundaries, regulations prevent the school district from developing it. H.R. 860 will allow Clint to sell its land in

order to buy property within its district boundaries that can be used for public educational purposes.

□ 1615

This legislation has been approved by the State Department and approved by the House International Relations Committee and I urge its passage.

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

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this bill, and yield myself 1½ minutes.

Mr. Speaker, I would first like to thank the gentlewoman from Florida for all of her efforts. I want to especially single out the hard work of my good friend and colleague from Texas, SILVESTRE REYES, for his steadfast efforts to help the Clint Independent School District improve the quality of education for its students.

Mr. Speaker, this bill seeks to correct a technical error in legislation which the 105th Congress passed. That legislation should have relinquished the Federal Government's reversionary interest in a tract of land that is owned by the Clint Independent School District.

Unfortunately, the wrong coordinates for the land were included in the bill. This bill, H.R. 860, completes the transfer of property rights for the school district so that it can proceed with a planned sale of the land.

Mr. Speaker, I urge all of our colleagues to support H.R. 860.

Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my good friend from New York for yielding me time, and my good friend from Florida, the gentlewoman, for her support in this bill.

Mr. Speaker, I rise today in support of H.R. 860, a bill to provide for the conveyance of reversionary interests of the United States in certain lands in my district of El Paso County, Texas to the Clint Independent School District.

The passage of H.R. 860 comes on the heels of an interesting footnote in our history. In 1940, Clint Independent School District received 20 acres of land that the United States Government had obtained from Mexico through the Convention of February 1, 1933.

In the treaty, the two governments agreed to cooperate in the construction and maintenance of the Rio Grande Rectification Project, which ultimately straightened and reinforced 155 miles of river boundary flowing through the increasingly developed El Paso, Texas-Juarez, Chihuahua area.

In addition to helping provide a more stable international boundary, the project also helped occasional flooding in that region. After giving the land to the school district, the Department of State retained reversionary interest in the parcel. In 1957 Federal statutes gave Clint Independent School District the ability to trade that piece of land for another, which it did, acquiring a separate parcel in which the United States had also retained reversionary interest.

Today, Clint Independent School District still owns that one piece of land. Unfortunately, because the land in question lies outside of Clint's boundaries, district regulations prevent the school district from developing it.

H.R. 860 will allow Clint to sell its land in order to buy property within its own district boundaries. All proceeds from such a sale must and will be used for public educational purposes. This legislation has been approved by the State Department and reported favorably by the House International Relations Committee. Of the nine school districts in El Paso County, Clint is the largest in square mileage, encompassing a diverse area in the fast-growing east El Paso County.

The district itself is one of the most rapidly expanding in Texas, with an estimated student population of 9,000-plus, a figure that is expected to double within the next 5 years.

All together, the district has 12 campuses, three high schools, two middle schools, one junior high school and six elementary schools. This bill will afford Clint the ability to help keep pace with its growth and help the district provide its students a high-quality educational experience.

I would like to thank the chairman and ranking member of the House International Relations Committee, Mr. HYDE of Illinois and Mr. LANTOS of California, as well as my friend from New York and my friend from Florida, for reporting this beneficial piece of legislation out of their committee.

Mr. Speaker, I would also like to thank our leader, Ms. PELOSI, and minority whip, Mr. HOYER for their support and assistance in bringing this bill to the floor.

Mr. Speaker, I encourage all my colleagues to vote ''yes'' on H.R. 860.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 860.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY (during consideration of H.R. 860), from the Committee on Rules, submitted a privileged report (Rept. No. 109–577) on the resolution (H. Res. 920) providing for consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING ISRAEL'S MAGEN DAVID ADOM SOCIETY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 435) congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 435

Whereas international humanitarian law is, quintessentially, about principle, establishing standards of conduct that can not be breached under any circumstance, or for any calculation of political efficacy or utility;

Whereas the International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status, whose mission is to prevent and alleviate human suffering wherever it may be found, without discrimination;

Whereas the Magen David Adom (Red Shield of David) Society is the national humanitarian society in the State of Israel and has performed heroically, aiding all in need of assistance, on a purely humanitarian basis, without bias, even those responsible for acts of horrific violence against Israeli civilians;

Whereas since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Federation and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement;

Whereas the red cross symbol was intended as the visible expression of the neutral status enjoyed by the medical services of the armed forces and the protection thus conferred, and there is not, and has never been, any implicit religious connection in the cross;

Whereas since its establishment in 1930, the Magen David Adom Society, because it does not use either a red cross or a red crescent, has been prevented from full membership in the International Red Cross and Red Crescent Federation;

Whereas Israel acceded to the Geneva Conventions in 1951 with a reservation specifying their intent to continue to use the Magen David Adom;

Whereas international consultations among nations and national Red Cross Societies ensued until 1999, when the International Committee of the Red Cross formally called for adoption of a protocol to the Geneva Conventions creating a third neutral symbol; allowing the use of either the Red Cross, the Red Crescent, or the third neutral symbol; and allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols—including the Magen David Adom;

Whereas a diplomatic conference to adopt this proposal into the Geneva Conventions

was scheduled for October 2000, but was prevented by the outbreak of the second Palestinian intifada;

Whereas the United States and the American Red Cross have worked ceaselessly to resolve the issue of the third neutral symbol and achieve full membership in the International Red Cross and Red Crescent Federation for the Magen David Adom Society;

Whereas Congress has insisted that funds made available to the headquarters of the International Red Cross and Red Crescent Movement be contingent on a certification by the Secretary of State confirming that the Magen David Adom Society is a full participant in the activities of the International Committee of the Red Cross;

Whereas the American Red Cross has stood alone among all the national humanitarian aid societies, and has withheld over $45,000,000 in dues to the International Federation of the Red Cross and Red Crescent Societies to protest the exclusion of the Magen David Adom;

Whereas the Government of Switzerland, the depositary state for the Geneva Conventions, convened a Diplomatic Conference of the states parties to the Geneva Conventions in December 2005 for the purpose of adopting a Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the ''Geneva Protocol III'') and rightly resisted efforts to block the broad international consensus in favor of resolving the third neutral symbol question;

Whereas the efforts by the United States and the American Red Cross at the Diplomatic Conference in December 2005 were critical to achieving both an overwhelming positive vote in favor of adopting the Geneva Protocol III, as well as an extremely important memorandum of understanding between the Magen David Adom and the Palestinian Red Crescent Society;

Whereas sustaining international support for the adoption of the third neutral symbol against efforts to divert the conference into unrelated political matters required extraordinary diplomatic efforts by the United States and the American Red Cross;

Whereas the Geneva Protocol III adopted in Geneva in December 2005 established the new third neutral symbol, the ''red crystal'' that can be used in conjunction with the Red Shield of David and cleared the way for Israel's full participation in the international movement;

Whereas in June 2006 the states parties to the Geneva Conventions, the national Red Cross and Red Crescent societies, the Federation of the Red Cross and Red Crescent Societies, and the International Committee of the Red Cross met in Geneva to adopt rules implementing the Geneva Protocol III; and

Whereas following the June 2006 meeting in Geneva, the International Red Cross and Red Crescent Federation accepted the Magen David Adom Society as a full member: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) commends the Magen David Adom Society for its long and distinguished record of providing humanitarian assistance to all those in need of aid, even those responsible for heinous atrocities against Israeli civilians;

(B) congratulates the Magen David Adom Society, and the Government and the people of the State of Israel, for securing full membership in the International Red Cross and Red Crescent Federation, 57 years past due;

(C) thanks the President, the Secretary of State, and United States diplomatic representatives for their tireless pursuit and maintenance of the international support that culminated in the Magen David Adom Society's recent acceptance as a full member in the International Red Cross and Red Crescent Federation;

(D) thanks the American Red Cross for its unwavering and unyielding insistence within the International Red Cross and Red Crescent Movement that the humanitarian principle of universality could not be reconciled with continued exclusion of the Magen David Adom Society; and

(E) thanks the Government of Switzerland and officials of the International Committee of the Red Cross for helping to prepare the necessary groundwork and carrying to completion the adoption of the Geneva Protocol III by the states parties to the Geneva Conventions and the rules for its implementation; and

(2) Congress commends the President for—

(A) submitting the Geneva Protocol III to the Senate for its advice and consent; and

(B) pending approval by the Senate, preparing for congressional consideration and enactment of legislation necessary to carry into effect the Geneva Protocol III.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 435, congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and the Red Crescent Movement.

On June 22, the Society was recognized by the International Committee of the Red Cross and admitted as a full member into the International Federation of Red Cross and Red Crescent Movement.

The Society's attaining full membership in the International Red Cross and the Red Crescent Movement is a significant achievement, as it marks an end to Israel's almost 60-year-old isolation from the international human rights assistance community.

Since 1949, the Society has been refused admission into the International Red Cross and the Red Crescent Movement simply due to the fact that they used the Red Shield of David as its symbol. For years, the Society has worked closely with the International Red Cross bringing emergency relief to victims of hurricanes, earthquakes, and floods around the globe.

It has brought its medical services and cutting-edge technology to provide assistance to disasters, such as Katrina in the U.S. Gulf Coast, tsunami relief in southeast Asia, and the flooding in Romania. This resolution commends the Magen David Adom Society for its distinguished record of humanitarian service and congratulates this organization for achieving full membership in the International Red Cross and Red Crescent Movement.

The resolution before us thanks the President and the Secretary of State for their tireless efforts toward this goal, and for submitting to the Senate the third additional protocol for the Geneva Convention.

The resolution also expresses appreciation to the American Red Cross for its insistence that the goals of the International Red Cross and the Red Crescent Movement could not be credibly accomplished if Magen David Adom was excluded.

Lastly, this measure thanks the Government of Switzerland and the International Committee of the Red Cross for paving the way for Israel's full inclusion into the international humanitarian assistance community.

I would like to extend my personal congratulations to the Magen David Adom for the remarkable job that it has done for years in saving the lives around the globe and for this landmark achievement.

I want to give a personal congratulations to my ranking member on the Middle East and Central Asia Subcommittee, Mr. ACKERMAN, who is the author and the chief sponsor of this resolution. This is a subject with which he has been intimately involved in a number of years, and it is thanks in large part to his participation in this effort that we have finally brought this organization on board. Congratulations.

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

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman and ranking member for their assistance in getting this resolution through the committee, and especially note the hard work and determination of my colleague, the chairperson of the subcommittee, Ms. ROS-LEHTINEN of Florida. Their support is deeply appreciated.

Mr. Speaker, there are very, very few issues that are really just black and white, where there are good guys and there are bad guys. This struggle, the 60-year effort to win membership for Israel's humanitarian society, the Magen David Adom, Israel's Blue Shield of David, into the International Red Cross and Red Crescent Movement, has been such an enterprise.

Like all of my colleagues speaking in support of this resolution, I am honored to have been part of that struggle, and am deeply gratified by the clear, indeed overwhelming victory MDA won last month in Geneva. It is a triumph where humanitarian principles overranked politics and bigotry.

It is a triumph for the State of Israel and the Jewish people. It is a triumph for patient, cooperative, multilateral diplomacy and especially American leadership. The victory of MDA really illustrates how important American leadership is, and what this Nation can accomplish with determination, tenacity, and a commitment to holding and protecting the moral high ground in international debate.

There never was a good argument against MDA. And with that fact came the moral strength and clarity. And with that strength and clarity came this hard-won victory.

As Dr. Martin Luther King liked to say, the arc of the universe is long, but it bends towards justice. A lot of people earned a share of the success that occurred in Geneva. Many of us in the House wrote letters, spoke directly with the Red Cross officials in Europe and with officials within the administration to let them know that Congress backed them 100 percent.

All we asked in return was, What more we could do to help? Credit is also due to America's diplomats and to America's humanitarians. Secretary Rice's State Department showed again what a force American diplomacy can be in a righteous cause.

And the American Red Cross, the American Red Cross alone in the entire world drew a line in the sand, withholding $45 million in dues to the Federation of Red Cross and Red Crescent Societies until the MDA won equal treatment. Only the American Red Cross was willing to put its money where its mouth was and to insist that international humanitarian law should not, could not, and now thankfully cannot be used as a tool of discrimination against Israel.

This resolution congratulates Israel on the Magen David Adom Society, which is facing a terrible trial right now, with terrorist rockets falling both in northern and southern Israel. Our thoughts and prayers are with them both. The Magen David Adom stands for everything Hezbollah and Hamas reject, the independence of Israel as a sovereign Jewish state, equal treatment and protection for all people, regardless of their faith, and the belief that there are standards of behavior beyond the realm of political convenience, and above all, the value of life over death.

Mr. Speaker, in the business of international politics and diplomacy, clear-cut triumphs are few and far between. I am thrilled to be able to celebrate with you today what a bipartisan, bicameral, cross-branch, multinational, public-private effort can do.

□ 1630

But what we are here to celebrate principally is a high moral triumph. I want to thank all of those who helped bring us to this great day and to the Magen David Adom, I say yasher koach, and congratulations on this well-deserved and long-overdue victory.

I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Nevada (Ms. BERKLEY) and thank her for her leadership in this effort as well.

Ms. BERKLEY. Thank you very much, coming from you, who truly was a leader in this issue. I appreciate the recognition and do not deserve it.

Mr. Speaker, I rise in strong support of the resolution and ask for its immediate passage. Since its establishment in 1930, Magen David Adom, or MDA, has been denied membership in the International Committee of the Red Cross for refusing to replace its red Star of David emblem with one of the approved symbols.

For nearly 60 years, the International Red Cross refused to admit MDA unless it adopted the red cross or the red crescent as its symbol. This past December, a third additional emblem, the red diamond, was finally established. It is about time.

Since 1949, the Magen David Adom Society was the only national organization denied full membership in the International Red Cross and Red Crescent movement. It was denied full membership simply because it used a red star instead of a red cross or a red crescent.

It should not have taken 60 years for an honest discussion of MDA membership in the Red Cross, free from religious intolerance or bigotry. During that time, the American Red Cross stood alone as the only member of the International Red Cross to protest the exclusion of the MDA.

In those 60 years, in spite of the official slight, MDA has performed heroically, aiding those in need and providing humanitarian assistance. It has done this without regard for race or religion. It did this to help alleviate pain and suffering throughout the world, even among Israel's enemies.

In April of this year, MDA was in Romania assisting the local population after the disastrous flooding of the Danube. After Hurricane Katrina, MDA collected donations, clothing and equipment in Israel to help meet the needs of the hundreds of thousands of homeless.

Last month, the state party to the Geneva convention adopted the neutral red diamond symbol of the International Red Cross and Red Crescent Movement finally accepted MDA as a full member. May I say it's about time.

I join my colleagues in congratulating MDA on its admittance to the Red Cross. While this should have happened 60 years ago, we are glad that MDA has been given the recognition that it has always deserved.

Mr. ACKERMAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. ENGEL), who has been one of the paramount leaders in this fight.

Mr. ENGEL. I thank my friend from New York. All of us in New York that are distinguished gentlemen think that everybody else is a distinguished gentleman. So I thank the distinguished gentleman from New York, and I commend him and my good friend from Florida (Ms. ROS-LEHTINEN) for this very important and very, very timely resolution.

For many, many years, everyone you have heard speak, Mr. Speaker, has played an important part in finally getting Magen David Adom recognized. One of the problems that we have seen in international bodies is that Israel has been systematically excluded and vilified by majorities that have nothing to do with what's right and nothing to do with reality, but just simply trying to ostracize Israel and make it difficult for them, whether it is in the United Nations or anything else. This was the case with the International Society of the Red Cross.

This happened for many, many years, and then the United States Society of the Red Cross really got involved at the behest of many of us. We have been very, very helpful in finally paving the way for this compromise that so many of my colleagues have spoken about. I had the good fortune to be in Geneva when this was agreed to and this was done.

It was very good for me to personally be there to see it, because, again, this has been 10 years or more that many of us in Congress have worked together to try to see this. At the last minute, it nearly got derailed again because Syria was playing its old games, up to its old games, and then tried to make it very, very difficult.

When people are in need, politics should not be involved. It doesn't matter whether it is the Red Cross or Red Crescent or Magen David Adom. Whatever society the people who are helping want to help, politics should not play a role.

Those of us who are New Yorkers and lived through the World Trade Center, we know how important it is to have the first responders there to help us.

It is fair, it is equitable and I commend my colleagues.

Mr. ACKERMAN. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Maryland (Mr. CARDIN) and thank him not just for his leadership but for his life-long commitment.

Mr. CARDIN. Let me thank my friend from New York (Mr. ACKERMAN) for his leadership on many of these issues.

Mr. Speaker, this is an important moment. We have been working now, many have been working now, for almost 60 years to bring this date together. The Magen David Adom Society, like the Red Cross and Red Crescent Society, provides unbiased aid, regardless of whom is in need.

Mr. Speaker, when tragedies occur, it is a welcome sight to see the internationally recognized symbol of help. It has been true in all countries where members have been part of the Red Cross and Red Crescent movement, but Israel was denied that membership.

For reasons unrelated to its society that provided that help, the MDA provided unbiased help to all in need and was entitled to be recognized internationally. It has taken almost 60 years to achieve this moment, and I think it is very appropriate that we, in this body, recognize this moment and the role that the United States has played in making this happen.

But for the leadership of our country in support of the MDA in Israel, we would not be able to celebrate this moment, and victims of disasters would be the losers. I congratulate all involved. I urge my colleagues to support the resolution.

I rise today in strong support as an original co-sponsor of H. Con. Res. 435, which congratulates Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

Since its founding in 1859, the International Red Cross and Red Crescent Movement have helped millions of people in need through its dedication to providing impartial and compassionate aid to victims of war, internal violence, and disaster, regardless of political or religious affiliation. For over 140 years, the Movement has been the world's leader in humanitarian aid.

In Israel, the Magen David Adom (MDA) Society has upheld these same goals, providing impartial aid to those in need. As a committed humanitarian organization, MDA has been a model of excellence, embodying the Red Cross and Red Crescent Movement's goals of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

Unfortunately, the Red Cross and Red Crescent Movement has for decades rejected the MDA's full admittance into the Organization because of the MDA's refusal to use the accepted symbols of a cross or crescent.

It has taken decades of discussion to reach a compromise, but one comes to us now in the form of a diamond. The red crystal will soon fly high—a beacon of hope to all who see it.

Since its founding in 1930, the MDA has proven its quality time and again through its rapid response to war areas and to natural disasters such as the earthquakes and tsunami, as well as through its compassionate treatment of civilian victims and injured perpetrators of horrific acts of violence alike. The MDA, like all Red Cross and Red Crescent societies, provides unbiased aid, regardless of who is in need. For this they are at last being recognized through full membership in the Red Cross and Red Crescent Movement—a classification they have long since deserved.

The MDA has fought for this designation since 1949, but until now has been perpetually relegated to observer status due solely to its use of the Shield of David as their symbol. The American Red Cross, the U.S. Government, and Congress have never wavered in their pressure for this positive outcome, and I am thrilled that now the MDA will benefit from full membership in the Red Cross and Red Crescent Movement—benefits that will then be passed on to the millions of victims that the Organization helps.

This solidarity on behalf of impartial humanitarian aid is especially commendable given the current climate in the Middle East. In a moment in history when the region hovers on the brink of war, the internationally-recognized symbols of help and compassion are a welcome sight on all fronts, reminding us all of the dignity of life and the necessity of compromise and compassion. The union of the MDA and the Red Cross and Crescent Movement represents a movement towards cooperation and consideration, and encourages hope in a time when such hope is so desperately needed.

I urge my colleagues to pass this resolution to celebrate a new symbol of hope on the Israeli landscape, and to congratulate the Magen David Adom Society for at last achieving the recognition it has long deserved.

Mr. SHAYS. Mr. Speaker, I am so pleased the day has come that Congress can officially congratulate Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

Since the Knesset ratified the Magen David Adom Law in 1950, the Society has functioned as Israel's National Red Cross Society. While acting in accordance with the Geneva Convention, Magen David Adom has maintained a national civilian blood bank and has also provided emergency first-aid services and temporary shelter in emergency situations.

As Israel has defended itself against terrorist attacks, the Magen David Adom Society has been there to bravely and heroically provide humanitarian assistance to all those in need. Yet despite its clear and undeniable accordance with the principles of the International Red Cross and Red Crescent Societies, until recently Magen David Adom was refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David. As such, it was the only such national organization denied membership in the Movement.

In 2005, the Government of Switzerland convened a Diplomatic Conference of the states parties to the Geneva Conventions to adopt a Third Additional Protocol allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols. I am so grateful to the Swiss government for initiating this effort and proud of the United States diplomats who worked tirelessly to achieve an overwhelming positive vote in favor of adopting this protocol.

So I wish to extend my heartfelt congratulations to the Magen David Adom Society for its full membership in the International Red Cross and Red Crescent Movement and my appreciation for its distinguished record of providing humanitarian assistance to all those in need of aid.

Mr. HONDA. Mr. Speaker, I rise today to congratulate the Magen David Adom (MDA) Society for securing full membership in the International Red Cross.

For many years the Magen David Adom Society was denied the right to join the International Red Cross. The Red Cross informed them that they could not use the Star of David, a symbol integral to their identity as the first aid and disaster relief organization of the Jewish State. The International Red Cross informed them that in order to join they would have to abandon their symbol and take on a symbol like the Christian cross or Moslem red crescent.

Standing fast to their principles, they continued to use the Star of David as their symbol as they dedicated themselves to excellence and rose as one of the premier ambulatory organizations in the world. In addition to their extensive record in providing aid to those in need all throughout Israel, they have excelled through their contributions to medical relief efforts throughout the world. The United States owes a great debt to MDA's assistance during the Hurricane Katrina disaster where they used their expertise and state-of-the-art technology to save the lives of countless Americans. Their relief work abroad is extensive, including their recent disaster relief work in Turkey, Sri Lanka, and Romania.

In light of the MDA's role as a leader in the field, Secretary of State Condoleezza Rice diligently worked with our allies abroad to allow MDA to join the International Red Cross. Through her work and the efforts of countless others, Israel's medical society has finally been admitted to the International Red Cross when a neutral symbol, the Red Diamond, was accepted as an alternative symbol. Israel is now free to use the Star of David within a diamond as their international insignia as a full-fledged member of the International Red Cross. This alliance between the Magen David Adom Society and the International Committee of the Red Cross is truly a monumental step for all humanitarian efforts and hopefully can serve as a model of international goodwill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this resolution and to congratulate Magen David Adom Society for achieving full membership in the International Red Cross.

Magen David Adom (MDA), Israel's first-aid and disaster relief organization, was granted full membership into the International Red Cross and Red Crescent Society on June 21, 2006. The decision, which took place in Geneva, Switzerland at the 29th International Conference of the Red Cross and Red Crescent voted to accept both the Palestinian Red Crescent and Magen David Adom. Both organizations are now full voting members, and received crucial funding to assist in their life-saving work.

Internationally, MDA has served in crisis spots around the world for 50 years alongside Red Cross, bringing emergency relief to victims of hurricanes, floods, and earthquakes. Earlier this year, MDA specialists flew to Romania to assist the local population with the disastrous flooding of the River Danube.

During the Katrina nightmare, MDA started ''United Brotherhood'' to collect donations, clothing and equipment in Israel to help meet the needs of the 400,000 homeless along the American gulf coast.

The relief effort after Southeast Asian tsunami found MDA running two emergency clinics in Sri Lanka and providing thousands of blood units. At every turn, the MDA has offered their help to nations in need.

Mr. Speaker, I applaud the International Red Cross for granting MDA full membership, and I urge my colleagues to join me in supporting this resolution congratulating the Magen David Adom Society.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I am proud to yield back the balance of

my time. It has been a pleasure working with my good friend, Mr. ACKERMAN.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.''.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2754. An act to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

FETUS FARMING PROHIBITION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

The Clerk read as follows:

S. 3504

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 ''Fetus Farming Prohibition Act of 2006''.

SEC. 2. PROHIBITION OF THE SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.

Section 498B of the Public Health Service Act (42 U.S.C. 289g–2) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

''(c) SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.—It shall be unlawful for any person or entity involved or engaged in interstate commerce to—

''(1) solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue; or

''(2) knowingly acquire, receive, or accept tissue or cells obtained from a human embryo or fetus that was gestated in the uterus of a nonhuman animal.'';

(3) in paragraph (1) of subsection (d), as so redesignated, by striking ''(a) or (b)'' and inserting ''(a), (b), or (c)''; and

(4) in paragraph (1) of subsection (e), as so redesignated, by striking ''section 498A(f)'' and inserting ''section 498A(g)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I am happy to rise in support of this bill along with my good friend, Congresswoman DEGETTE of Colorado.

I rise today in the strongest possible support of S. 3504, the Fetus Farming Prohibition Act. Every so often, we deal with a subject on this floor that is so ugly that the language almost is unable to qualify and quantify that ugliness. Today is one of those moments. When you know what fetus farming is, words like obnoxious and repugnant seem timid.

As we know, fetus farming is the gruesome idea of creating a human fetus purely for research to harvest its organs. This bill would ban that practice, and we cannot ban it, in my opinion, soon enough. Most scientists today share the belief that human life should not be created just for the purposes of experimentation, or for harvesting the organs of one person to be given to another. The vast majority of scientists in our Nation uphold the ethical and moral principles on which our country forever rests, the inalienable right to life and the inherent value of human life in whatever form it may take. These scientists are working tirelessly with the knowledge that their efforts are to benefit life, benefit humanity, not to benefit one person for profit at the detriment of another person.

Unfortunately, Mr. Speaker, we have seen clear examples in other countries that some scientists see things somewhat differently.

It is towards these scientists that the pending legislation is directed. Rather than waiting for a horror story to appear on the front pages or allowing for the possibility of scientific advancement taking us down a slippery slope, this bill gives a clear signal that fetus farming in all of its forms will not be tolerated in the United States, nor will we allow human fetuses or embryos to be bought and sold for research like cattle.

This legislation will ensure that nobody gains financially when unborn children are exploited for fetal tissue research. This legislation sends the right message on the importance of human dignity and life at the right time.

Before the Pandora's box of fetus farming is opened and it is too late for us to do something about it, I will urge all of my colleagues on both sides of the aisle to support this bill.

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

Ms. DEGETTE. I just must say, Mr. Speaker, this has got to be a new record of transmission of a bill from the Senate to the House. I was literally on the Senate floor a few minutes ago when S. 3504 was passed, and I had to run to the House to have it considered.

I think this bill is just fine. I am not sure that there is a pressing problem in this country right now of fetal farming, but I will support it. Like my chairman, Mr. BARTON, I have complete and abhorrent opposition to the idea of people doing fetal farming.

I must say, though, that if people are worried about women becoming pregnant so they can be paid for making fetal tissue available for research, I want to point out that the current law already prohibits the sale of fetal tissue. Section 498(b) of the Public Health Service Act says: ''It shall be unlawful for any person to knowingly acquire, receive or otherwise transfer any human fetal issue for valuable consideration.''

In addition, a yearly amendment that we do, called Dickey-Wicker, already forbids the creation of a human embryo or embryos for research purposes. So while this bill is completely unnecessary, I guess we will just pass it today and move on.

But here is the real reason this bill has been fast-tracked from the Senate, why there is a second bill that will be fast-tracked from the Senate, and that is because of H.R. 810, the Embryonic Stem Cell Enhancement Act, which has been cosponsored by my friend MIKE CASTLE from Delaware and myself.

This important piece of legislation expands embryonic stem cell research so that the 110 million Americans and their families who suffer from diseases like Alzheimer's, Parkinson's, diabetes, nerve cell damage and on and on, so that the bill would allow embryonic research to be expanded so that those patients can have hope for cures.

Unlike many other kinds of stem cells, adult stem cells and cord blood, embryonic stem cells have shown great promise in being a potential cure for these diseases. That is why a majority of this body passed that legislation on May 24 of 2005.

□ 1645

This is why the Senate is poised to pass that legislation with over 60 votes today.

H.R. 810 will go directly to the President's desk. Sadly, the President has announced his intention to make H.R. 810 the very first veto of his 6-year administration. He has signed over 1,600

bills, but he has announced he is going to veto a bill that could provide hope for tens of millions of Americans.

In order to do that, though, the President will need cover, since 72 percent of Americans support embryonic stem cell research, and that is what this bill, S. 3504, and its companion bill from the Senate will hopefully I guess give the administration cover.

There will be no solace, these bills, to the patients of America. These bills are merely a fig leaf to show that the veto that is happening is going to prevent the most promising research that could happen for all these patients, and so while I support S. 3504, no one would support fetus farming. Let us really call this what this is.

This is the first in a pair of fig leaf bills designed to give cover to the President, and I, for one, think it is a sad day when we are rushing to judgment on such an important research potential.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. DEAL), the subcommittee chairman.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of this legislation. As a cosponsor of the House equivalent of this Senate bill to prohibit fetus farming, I believe it is something that we need to take action on.

What is fetus farming? Simply put, it is the creation and development of a human fetus for the purposes of later killing it for research or for harvesting its organs.

While advances in scientific research have led to some new and exciting treatments that have enlarged and enhanced the quality and length of human life, we must not lose sight as to what we are trying to accomplish. Scientific advancement should aim to affirm and to improve human life.

Unfortunately, some have begun to pursue scientific research for its own benefit or for profit, without respect for human life. Science without respect for human life is degrading to us all and reflects a hollow and deceptive philosophy, a philosophy that we as a people should never condone.

In the grisly process of fetus farming, a woman might become pregnant with the sole intention of selling the tissue of her unborn child. An unscrupulous individual could pay a young, underprivileged woman, for example, to become pregnant so that the fetal tissue could be harvested. Even more appalling and disturbing, human embryos could be harvested for their tissue after developing in the womb of a nonhuman animal.

While some of these scenarios may seem like something out of the realm of fantasy, fetus farming is an emerging possibility in our world. As I stand here today, some scientists are engaged in animal research that uses cloned embryos, implanted and grown in the womb before being aborted so that the tissue could be harvested. Sometimes, cloned animal fetuses are allowed to develop almost to the newborn stage before being aborted and used to test new therapies.

We now know that human cloning is not only a possibility but is already happening. Many of my colleagues may have heard or read about a technique called somatic cell nuclear transfer, also known as therapeutic cloning, in which a cloned human embryo is created and then destroyed for the purposes of harvesting its cells. It is only one small step further to begin creating and developing human fetuses for the purposes of research or for harvesting the unborn child's organs.

Just because scientists have the knowledge to do it, the technology to do it, and some may even have a financial motive or other incentive to do it, does not make it right.

Congress should take this proactive step to eliminate fetus farming. Human life should never be made into a commodity, and I urge my colleagues to vote in favor of S. 3504.

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

That message from the Senate, I guess, means that within moments, sheer moments, S. 2754 will also be up on the House here because, as I said, this entire package is being railroaded through so that it can reach the President's desk in a neat little package.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from the First State, Delaware (Mr. CASTLE), the distinguished former Governor, to speak on this particular bill.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. I hope I have the right bill. I am a little confused, too, the way bills are flying through here.

I do rise in support of the bill the chairman has spoken of, S. 3504, legislation which is aimed at preventing so-called fetal farming; and while such fetal farming may not be taking place now, I applaud my colleagues for being forward thinking and targeting such an exploitive practice now.

This legislation is critical because it places ethical restrictions on what can and cannot be done in federally funded research.

Ethical guidelines are absolutely critical to guide all federally funded research. That is exactly why Representative DIANA DEGETTE and I have been pressing strongly for President Bush to sign H.R. 810, the Stem Cell Research Enhancement Act, into law. Contrary to popular belief, H.R. 810 does not increase funding for embryonic stem cell research, nor does it fund the creation or destruction of embryos. Rather, it allows researchers access to the best and most promising stem cell lines, while creating for the first time an ethical construct to guide this research at the National Institutes of Health.

H.R. 810 has strict financial prohibitions in place, and it prohibits the creation of embryos for research purposes. It enables the creators of the embryo to first make a decision about what they want to do with leftover embryos, which are really 5-day-old blastocysts, no bigger than the tip of a pencil. If they choose discard, it allows them the option to donate these embryos to research, instead of medical waste. No money can exchange hands throughout the process. The legislation only allows federally funded research on stem cell lines derived ethically with private funds. No Federal funds can be used.

Mr. Speaker, biomedical research is something that must be carefully monitored and rigorous guidelines must be established. That is exactly what this bill, S. 3504, aims to do, and it is what H.R. 810 aims to do. I ask my colleagues to support the underlying legislation and to urge President Bush not to veto H.R. 810.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my colleague from the Energy and Commerce Committee for yielding to me and want to commend her on the outstanding job she is doing in fighting for embryonic stem cell research, which the American people want. The American people across ideological lines understand that this is something that will help people in their battles against illness; and why there is such rigid ideology on the other side, I just really do not understand.

The Fetus Farming Prohibition Act of 2006 is fine the way it is. None of us oppose it. None of us would take issue with it, but it does not really do what the American people want us to do.

The American people know that the United States has always led the way with medical research. We have always led the way in finding cures for diseases. We have always led the way in terms of our health care.

And what is happening is obviously because there has been a prohibition on stem cell research, that we have fallen behind, and so other countries are eclipsing us, other countries which I believe cannot do it as well as we could do it if we were allowed to do it. And so as a result, people are dying and being injured with no help every day when, if we were permitted to have stem cell research, we could have the help that we need.

This is an undertaking that really the Federal Government needs to put itself behind and which cannot work if it is left to the private sector. It cannot work if it is only going to be certain kinds of cells or certain limited amounts of cells.

This has to be something that we have to do. I am very sensitive to people who care about this issue; but this, to me, has nothing to do with the issue of abortion or any of those issues. This is about saving people's lives and making it easier for people who have loved

ones, who are ill and who would rely on this kind of research to get better soon.

So I would hope that my colleagues would support stem cell research and vote for this bill; but again, this bill is only a scratch. We need to do much more.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), one of the leaders in the pro-life community.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, fetus farming, the growing of embryos and fetuses so as to derive tissue or organs and other cells for research or treatment, turns human beings into commodities.

Fetus farming is a grave violation of human rights and is an act of research violence that Congress must stop.

The harbinger of human fetus farming, Mr. Speaker, can be found in animal fetus farming studies already under way. We know that researchers are not doing this research to advance veterinary medicine.

Dr. Robert Lanza, for example, of Advanced Cell Technology, attempted to clone cows for their liver stem cells. The cloned cow fetuses were implanted and grown in the womb for 3 to 4 months before being aborted so their liver tissue could be harvested. Dr. Lanza said ominously, ''We hope to use this technology in the future to treat patients with diverse diseases.'' He is not talking about cows. He is talking about human beings.

Another researcher, Dr. Smadar Evantov-Friedman of the Weizmann Institute of Science in Israel, conducted research to determine the best ''gestational time windows for the growth of pig embryonic liver, pancreas, and lung precursors.'' They determined that the best windows for tissue ranged from more than 2 months to more than 6 months, and that is 6 months of gestation.

This is not science fiction, Mr. Speaker. This is actual animal research. I have no doubt that Dr. Lanza and Evantov-Friedman and others are not investing enormous amounts of money and talent in research for cures for animals.

And the loopholes to allow fetus farming already exist in State laws. In my home State of New Jersey, a law was enacted in 2004 that defines a cloning ban in such a bizarre way so as to ban it only if the cloned human being is grown to the newborn stage.

Thus, in my State, a cloned embryo could be grown to the later fetal stage and then aborted for research. I would point out parenthetically that many of us raised these issues with our Governor, then Gov. McGreevey. I gave him a letter outlining these concerns about the legislation. They knew that what they were doing would allow the harvesting, the fetus farming of these individuals.

S. 3504 makes it unlawful to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue or knowingly acquire or receive or accept tissue or cells obtained from a human embryo or fetus that was gestated in a nonhuman animal.

Fetus farming is dehumanizing. It is a serious violation of human rights. Every human life is precious, Mr. Speaker, and has innate value and dignity. Every human life, regardless of age, maturity or condition of dependency deserves respect. Every human life, no matter how small, deserves protection from harm, inhumane experimentation or slaughter.

□ 1700

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from Colorado and the distinguished gentleman from Delaware, and a number of others, along with the cosponsors, of which I am very proud to have been a cosponsor. And I thank the Energy and Commerce Committee.

I rise to acknowledge and support S. 3504. This bill prohibits the harvesting of human fetal tissue or embryos for scientific research, which is consistent with current science research practices anyway. I am delighted to join in and support this moral boundary to prohibit heinous practices that are already law.

At the same time, I would ask that we move quickly to pass H.R. 810, the Castle-DeGette Stem Cell Research Enhancement Act which would expand Federal funding for enormously promising embryonic stem cell research; but more importantly, as those who are languishing in our districts, some who have lost their life, others who are seeking some relief with spinal injuries, if you will, spinal cord injuries, with Parkinson's disease, begging that we move forward on H.R. 810, embryonic stem cell research has the potential to unlock the doors to treatments, diseases, and cures for numerous illnesses, including diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's Disease, multiple sclerosis, cancer and spinal cord injuries. The very same voice that Nancy Reagan raised, we are raising on this floor.

Embryonic stem cell research could benefit an estimated 100 million Americans, those with these diseases and those having family members with these diseases. More importantly, children who have not seen the future before them could now have an open opportunity.

Senator BILL FRIST said it right: Embryonic stem cells uniquely hold specific promise that adult stem cells cannot provide. Our country's leading scientists and biomedical researchers support H.R. 810. The Santorum-Specter alternative stem cell research bill is no replacement for that bill.

Yes, we can support the Fetus Farming Prohibition Act of 2006. We can support it, but I hope we will rush to the floor and support H.R. 810 so Americans might still live.

Mr. Speaker, I rise today to support S. 3504, the Fetus Farming Prohibition Act. I am under no illusion that this bill will contribute significantly to the advancement of stem cell research.

This bill prohibits the harvesting of human fetal tissue or embryos for scientific research, which is consistent with current scientific research practices anyway. There is no argument that the provisions in this bill would prevent repulsive practices from occurring, but there is also no evidence that these practices would ever occur. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

As a Member of the Science Committee, I am committed to the advancement of science. I believe we should explore creative initiatives and pursue sound research. By demonizing science, we only hurt ourselves and make it more likely that our country will fall behind other countries in the critically important fields of science, technology, and innovation.

For many of us, our driver's license exhibits a tiny red heart, which indicates to any emergency personnel that, God forbid, in a fatal accident, I have voluntarily chosen to be an organ donor. A similar option exists for those who prefer to dedicate themselves to scientific research postmortem.

For those who may not know, the first scientists to successfully separate and grow cultures of stem cells in 1998 utilized discarded tissue. In all cases, it was from an unrelated yet previous decision, such as non-living fetuses obtained from terminated first trimester pregnancies. The distinction is important—this is not sacrificing one life for another, it is the possibility of bringing more life out of a death.

What the authors of this bill call fetal farming, the scientific community calls ''therapeutic cloning.'' Therapeutic cloning involves removing the DNA from an unfertilized human egg and replacing it with DNA from a patient. The egg then divides through mitosis to become a blastocyst. A blastocyst is a clump of several dozen cells that then produces stem cells with DNA identical to the patient.

Though a fetus could not develop in these conditions, many contend that the resulting blastocyst is still a human embryo. It is important to note that the process does not involve a human pregnancy.

Ethical boundaries are crucial to the integrity of science. Naming a bill creatively, on the other hand, and making a big issue out of a non-contentious point does not improve the law.

Unfortunately, however, this simple little bill and its companion, which we are also discussing today, do not weigh the consequences of any of these valid policy discussions. Instead, it does little to advance the very serious and promising area of scientific research that is reflected in H.R. 810; this research is supported by a majority of this House, and hopefully will be reaffirmed by this House later this week.

This bill prohibits the "harvesting" of human fetal tissue or embryos for scientific research, which is consistent with current scientific research practices anyway. There is no argument that the provisions in this bill would prevent repulsive practices from occurring, but there is also no evidence that these practices would ever occur. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

I am not opposed to this Jill, although it does not further scientific research. I strongly urge my colleagues to vote in favor of science, scientific research, and the promise of scientific advancement later this week.

Mr. BARTON of Texas. Mr. Speaker, 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. Speaker, I rise in strong support of S. 3504, the Fetus Farming Prohibition Act. As my colleagues know, researchers have already published studies in which cloned animals were grown in utero to harvest fetal tissue. Some researchers have indicated that cells or tissues from human fetuses are more desirable than embryonic stem cells.

It is morally shocking to think that someone would engage in so-called ''fetus farming'' of a human embryonic embryo. It is essential that Congress act today and pass the Fetus Farming Prohibition Act to prevent and prohibit such gruesome research from ever being performed on a developing human child.

Congress has a moral obligation to protect women and the unborn, and I urge my colleagues to support S. 3504 to do just that.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I thank the gentlewoman from Colorado for her leadership on this important issue. I rise today to talk about S. 3504, the Fetus Farming Prohibition Act of 2006. Sponsors of this bill say it is necessary to ban the practice of fetal farming, which is the development of embryos for the sole purpose of research in questionable ways.

I support this bill and intend to vote for it, but at the end of the day this bill does little more than ban researchers from taking actions they don't want to take anyway. It does draw a line in the sand which I think is important to have in our law, but it does nothing to advance scientific research in our country. It does nothing to fulfill the promise of stem cell research.

I understand just minutes ago the other body passed H.R. 810, a landmark bill that would allow the kind of research necessary to help tens of millions of Americans who suffer with a genetic sentence of disability or death. H.R. 810, which passed this House last year through an extraordinary bipartisan effort, would apply strict ethical guidelines to and expand Federal funding for the most promising methods of stem cell research.

H.R. 810 is the only bill this Congress has debated that has the potential to truly unlock the doors to treatments and cures for so many who really need them. I am bitterly disappointed that the President has threatened to use his first veto to stop this important scientific progress.

Unfortunately for some, the bill before us now has been a distraction, or worse yet, a source of political cover for those who do not support this landmark bill, H.R. 810.

I urge my colleagues to continue the bipartisan spirit that this House started last year that could be so meaningful to millions of people around this country. Let's continue this work for meaningful progress in stem cell research. Let's not get sidetracked by political gamesmanship. The American people demand it.

Mr. BARTON of Texas. Mr. Speaker, we are so happy the Senate is working today. It gives us something to do, but I only have one more speaker, the sponsor of the House companion bill, Dr. WELDON.

Ms. DEGETTE. Mr. Speaker, we rushed over here literally from the Senate floor. I do have other Members who would like to speak on this bill, but they are not here yet. I intend to close for my side.

Mr. BARTON of Texas. We only have one other speaker, so if you would like to close for your side.

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

Mr. Speaker, S. 3504, the Fetus Farming Prohibition Act of 2006, which as we mentioned just passed the Senate a few moments ago, is important in the sense that it is Congress' way of saying that we need to ensure that the scientific research that we do is ethical, that what we do to try to cure diseases is always ethical.

I, frankly, very rarely find myself agreeing with people like Mr. SMITH and Mr. WELDON on this issue. But in the case of S. 3504 I do, because I don't agree we should have fetal farming. None of us agree that we should have fetal farming. It is wrong, and it is unethical.

But nobody should again convince themselves that this bill has anything whatsoever to do with the great promise that embryonic stem cell research holds. In addition, S. 2754 which came over here just on the heels of the other legislation, this bill is also attempting to give cover to those who say that they want to support research, but they don't support embryonic stem cell research.

As I will discuss moments from now when we bring up that bill, that bill is no substitute for embryonic stem cell research. In fact, the greatest promise for creating cures to diseases that affect millions of Americans is H.R. 810 which, as we just now learned moments ago again, has now passed the Senate by a solid majority, bipartisan Members who consider themselves prochoice and Members who consider themselves pro-life. The reason they support embryonic stem cell research is because the vast majority of scientists agree that research holds the cure to potentially curing diseases that affect 110 million Americans and their families.

I have a 13-page letter signed by many, many groups, universities, patient advocacy groups, all kinds of folks, and this letter says: ''We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act.

''Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills are not substitutes for a ''yes'' vote on H.R. 810.

''H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research.''

I include this letter for the RECORD.

JULY 14, 2006.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

AO North America, AAALAC International, AARP, Abbott Laboratories, Acadia Pharmaceuticals, Accelerated Cure Project for Multiple Sclerosis, Adams County Economic Development, Inc., AdvaMed (Advanced Medical Technology Association).

AMDeC-Academic Medicine Development Co., America on the Move Foundation, American Academy of Neurology, American Academy of Nursing, American Academy of Pediatric Dentistry, American Academy of Pediatrics, American Association for Cancer Research, American Association for Dental Research, American Association for Geriatric Psychiatry, American Association for

the Advancement of Science, American Association of Anatomists, American Association of Colleges of Nursing, American Association of Colleges of Osteopathic Medicine, American Association of Colleges of Pharmacy, American Association of Neurological Surgeons/Congress of Neurological Surgeons, American Association of Public Health Dentistry, American Autoimmune Related Diseases Association, American Brain Coalition, American Chronic Pain Association, American College of Cardiology, American College of Medical Genetics, American College of Neuropsychopharmacology, American College of Obstetricians and Gynecologists.

American Society for Cell Biology, American Society for Clinical Pharmacology and Therapeutics, American Society for Microbiology, American Society for Neural Transplantation and Repair, American Society for Nutrition, Affymetrix, Inc., Albert Einstein College of Medicine of Yeshiva University, Alliance for Aging Research, Alliance for Lupus Research, Alliance for Stem Cell Research, Alnylam US, Inc., Alpha-1 Foundation, ALS Association, Ambulatory Pediatric Association, American College of Surgeons, American Council on Education, American Council on Science and Health, American Dental Association, American Dental Education Association, American Diabetes Association, American Federation for Aging Research, American Gastroenterological Association, American Geriatrics Society, American Institute for Medical and Biological Engineering, American Lung Association, American Medical Association, American Medical Informatics Association, American Medical Women's Association, American Pain Foundation, American Parkinson's Disease Association, American Parkinson's Disease Association (Arizona Chapter), American Pediatric Society, American Physiological Society, American Psychiatric Association, American Psychological Association, American Public Health Association, American Society for Biochemistry and Molecular Biology, American Society for Bone and Mineral Research, American Society for Pharmacology and Experimental Therapeutics, American Society for Reproductive Medicine, American Society for Virology, American Society of Clinical Oncology, American Society of Critical Care Anesthesiologists, American Society of Hematology, American Society of Human Genetics,

American Society of Nephrology, American Society of Tropical Medicine and Hygiene, American Surgical Association, American Surgical Association Foundation, American Thoracic Society, American Thyroid Association, American Transplant Foundation, Americans for Medical Progress, amFAR, The Foundation for AIDS Research, Arizona State University College of Nursing, Arthritis Foundation, Arthritis Foundation, Rocky Mountain Chapter, Association for Clinical Research Training, Association for Medical School Pharmacology Chairs, Association for Prevention Teaching and Research, Association for the Accreditation of Human Research, Protection Programs, Inc., Association of Academic Chairs of Emergency Medicine, Association of Academic Departments of Otolaryngology.

Association of Public Health Laboratories, Association of Reproductive Health Professionals, Association of Schools and Colleges of Optometry, Association of Specialty Professors, Association of University Anesthesiologists, Assurant Health, Asthma and Allergy Foundation of America, Athena Diagnostics, Aurora Economic Development Council, Axion Research Foundation, B'nai B'rith International, Baylor College of Medicine, Baylor College of Medicine Graduate School of Biomedical Sciences, Biotechnology Industry Organization, BloodCenter of Wisconsin, Inc., Blue Cross and Blue Shield Foundation on Health Care, Boston Biomedical Research Institute, Boston University School of Dental Medicine, Boston University School of Public Health, Brigham and Women's Hospital, Bristol-Myers Squibb Company, Broadened Horizons, LLC.

Children's Research Institute (Columbus), Children's Research Institute (Washington), Children's Tumor Foundation, Childrens Hospital Boston, Christopher Reeve Foundation, City and County of Denver, City of Hope National Medical Center, Cold Spring Harbor Laboratory, Coleman Institute for Cognitive Disabilitites, University of Colorado System, Colfax Marathon Partnership, Inc., Colorado Bioscience Association, Colorado Office of Economic Development and International Trade, Colorado State University, Association of Academic Health Centers, Association of Academic Physiatrists, Association of American Medical Colleges, Association of American Physicians, Association of American Universities, Association of American Veterinary Medical Colleges, Association of Anatomy, Cell Biology and Neurobiology Chairs, Association of Anesthesiology Program Directors, Association of Black Cardiologists, Association of Chairs of Departments of Physiology, Association of Independent Research Institutes, Association of Medical School Microbiology and Immunology Chairs, Association of Medical School Pediatric Department Chairs, Association of Medical School Pharmacology Chairs, Association of Professors of Dermatology, Association of Professors of Human and Medical Genetics, Association of Professors of Medicine, Brown Medical School, Buck Institute for Age Research, Burns & Allen Research Institute, Burrill & Company, Burroughs Wellcome Fund, C3: Colorectal Cancer Coalition, California Biomedical Research Association, California Institute of Technology, California Institute for Regenerative Medicine, California Wellness Foundation, Californians for Cures, Campaign for Medical Research, Cancer Research and Prevention Foundation, Canon U.S. Life Sciences, Inc., Case Western Reserve University School of Dentistry, Case Western Reserve University School of Medicine, Cedars-Sinai Health System, Center for the Advancement of Health, Central Conference of American Rabbis, CFIDS Association of America, Charles R. Drew University of Medicine and Science, Charles River Laboratories, Child & Adolescent Bipolar Foundation, Children's Memorial Research Center, Children's Neurobiological Solutions Foundation, Columbia University, Columbia University College of Dental Medicine, Columbia University Medical Center, Community Health Partnership, Conference of Boston Teaching Hospitals, Connecticut United for Research Excellence, Inc., Conquer Fragile X Foundation, Cornell University, Council for the Advancement of Nursing Science, (CANS), Creighton University School of Medicine, CURE (Citizens United for Research in Epilepsy), Cure Alzheimer's Fund, Cure Paralysis Now, CuresNow, Damon Runyon Cancer Research Foundation, Dana-Farber Cancer Institute, Dartmouth Medical School, David Geffen School of Medicine at UCLA, DENTSPLY International, Digene Corporation, Discovery Partners International, Doheny Eye Institute, Drexel University College of Medicine, Drexel University School of Public Health, Duke University Medical Center, Dystonia Medical Research Foundation.

FD Hope Foundation, Federation of American Scientists, Federation of American Societies for Experimental, Biology (FASEB), Federation of State Medical Boards of the United States, Inc., Fertile Hope, Fitzsimons Redevelopment Authority, Florida Atlantic University Division of Research, Ford Finance, Inc., Fox Chase Cancer Center, Fred Hutchinson Cancer Research Center, Friends of Cancer Research, Friends of the National Institute for Dental and Craniofacial Research, Friends of the National Institute of Nursing Research, Friends of the National Library of Medicine, Genetic Alliance, Genetics Policy Institute, George Mason University, Georgetown University Medical Center, Guillain Barre Syndrome Foundation International, Gynecologic Cancer Foundation, Hadassah, Harvard University, Harvard University School of Dental Medicine.

Jacobs Institute of Women's Health, Jeffrey Modell Foundation, Johns Hopkins, Johnson & Johnson, Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Joint Steering Committee for Public Policy, Juvenile Diabetes Research Foundation, Keck School of Medicine of the University of Southern California, Kennedy Krieger Institute, Keystone Symposia on Molecular and Cellular Biology, KID Foundation, Kidney Cancer Association, La Jolla Institute for Allergy and Immunology, Lance Armstrong Foundation, Lawson Wilkins Pediatric Endocrine Society, Leukemia and Lymphoma Society, Lombardi Comprehensive Cancer Center, Georgetown University, Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center, East Tennessee State University James H. Quillen College of Medicine, Eli Lilly and Company, Elizabeth Glaser Pediatric AIDS Foundation, Emory University, Emory University Nell Hodgson Woodruff School of Nursing, Emory University Rollins School of Public Health, Emory University School of Medicine, FasterCures.

Harvard University School of Public Health, Hauptman-Woodward Medical Research Institute, Inc., Hereditary Disease Foundation, HHT Foundation International, Inc., Home Safety Council, Howard University College of Dentistry, Howard University College of Medicine, Huntington's Disease Society of America, IBM Life Sciences Division, Illinois State University Mennonite College of Nursing, ImmunoGen, Inc., Indiana University School of Dentistry, Indiana University School of Medicine, Indiana University School of Nursing, Infectious Diseases Society of America, Institute for African American Health, Inc., Intercultural Cancer Council Caucus, International Foundation for Anticancer Drug, Discovery (IFADD), International Longevity Center—USA, International Society for Stem Cell Research, Invitrogen Corporation, Iraq Veterans for Cures, Iris Alliance Fund, Iron Disorders Institute.

Louisiana State University Health Sciences Center, Louisiana State University Health Sciences Center School of Dentistry, Lovelace Respiratory Research Institute, Loyola University of Chicago Stritch School of Medicine, Lung Cancer Alliance, Lupus Foundation of America, Inc., Lupus Foundation of Colorado, Inc., Lupus Research Institute, Lymphatic Research Foundation, Mailman School of Public Health of Columbia University, Malecare Prostate Cancer Support, March of Dimes Birth Defects Foundation, Marine Biological Laboratory, Marshalltown [IA] Cancer Resource Center, Masonic Medical Research Laboratory, Massachusetts Biotechnology Council, Massachusetts General Hospital, Massachusetts Institute of Technology, MaxCyte, Inc., McLaughlin Research Institute, Medical College of Georgia, Medical University of South Carolina, Medical University of South Carolina College of Nursing, MedStar Research Institute (MRI), Meharry Medical College School of Dentistry.

Miami Children's Hospital, Midwest Nursing Research Society, Morehouse School of

Medicine, Mount Sinai Medical Center, Mount Sinai School of Medicine, National Alliance for Eye and Vision Research, National Alliance for Hispanic Health, National Alliance for Research on Schizophrenia and Depression, National Alliance on Mental Illness, National Alopecia Areata Foundation, National Asian Women's Health Organization, National Association for Biomedical Research, National Association of Hepatitis Task Forces, National Caucus of Basic Biomedical Science Chairs, National Coalition for Cancer Research, National Coalition for Cancer Survivorship, National Coalition for Women with Heart Disease, National Committee for Quality Health Care, National Council of Jewish Women, National Council on Spinal Cord Injury, National Down Syndrome Society, National Electrical Manufacturers Association, National Foundation for Ectodermal Dysplasias.

New York Presbyterian Hospital, North American Brain Tumor Coalition, North Carolina Association for Biomedical Research, Northwest Association for Biomedical Research, Northwestern University, Northwestern University, The Feinberg School of Medicine, Nova Southeastern University College of Dental Medicine, Novartis Pharmaceuticals, Oklahoma Medical Research Foundation, Oral Health America, Oregon Health & Science University, Oregon Health & Science University School of Nursing, Oregon Research Institute, Oxford Bioscience Partners, Pacific Health Research Institute, Paralyzed Veterans of America, Parent Project Muscular Dystrophy, Parkinson's Action Network, Parkinson's Disease Foundation, Partnership for Prevention, Pennsylvania Society for Biomedical Research, Pharmaceutical Research and Manufacturers of America.

Society for Male Reproduction and Urology, Society for Neuroscience, Society for Pediatric Research, Memorial Sloan-Kettering Cancer Center, Memory Pharmaceuticals, Mercer University, Metro Denver Economic Development Corporation.

National Health Council, National Hemophilia Foundation, National Hispanic Health Foundation, National Jewish Medical and Research Center, National Marfan Foundation, National Medical Association, National Multiple Sclerosis Society, National Osteoporosis Foundation, National Partnership for Women and Families, National Pharmaceutical Council, National Prostate Cancer Coalition, National Quality Forum, National Spinal Cord Injury Association, National Venture Capital Association, Nebraskans for Research, Nemours, New Jersey Association for Biomedical Research, New Jersey Dental School, New York Blood Center, New York College of Osteopathic Medicine, New York State Association of County Health Officials, New York Stem Cell Foundation, New York University College of Dentistry, New York University School of Medicine, Pittsburgh Development Center, Princeton University, Project A.L.S., Prostate Cancer Foundation, Pseudoxanthoma Elasticum International, Quest for the Cure, RAND Health, Research!America, Resolve: The National Infertility Association, RetireSafe, Rett Syndrome Research Foundation, Rice University, Robert Packard Center for ALS Research at Johns Hopkins, The Rockefeller University, Rosalind Franklin University of Medicine and Science, Rush University Medical Center, Rutgers University, Salk Institute for Biological Studies, sanofi-aventis, Scleroderma Research Foundation, Secular Coalition for America, Sjogren's Syndrome Foundation, Inc., Society for Advancement of Violence and Injury, Research (SAVIR), Society for Assisted Reproductive Technology, Society for Education in Anesthesia Society for Reproductive Endocrinology and Infertility, Society for Women's Health Research, Society of Academic Anesthesiology Chairs, Society of General Internal Medicine, Society of Gynecologic Oncologists, Society of Reproductive Surgeons, Society of University Otolaryngologists, South Alabama Medical Science Foundation, South Dakota State University, Southern Illinois University School of Medicine, Spina Bifida Association of America, Stanford University, State University of New York at Buffalo School of Dental Medicine, State University of New York Downstate Medical, Center College of Medicine at Brooklyn, State University of New York Upstate Medical University, Stem Cell Action Network, Stem Cell Research Foundation, Steven and Michele Kirsch Foundation, Stony Brook University, State University of New York, Strategic Health Policy International, Inc., Student Society for Stem Cell Research, Suicide Prevention Action Network-USA (SPAN), Take Charge! Cure Parkinson's, Inc.

The Georgetown University Center for the Study of Sex Difference in Health, Aging and Disease, The Gerontological Society of America, The J. David Gladstone Institutes, The Jackson Laboratory, The Johns Hopkins University Bloomberg School of Public Health, The Johns Hopkins University School of Nursing, The Medical College of Wisconsin, The Medical Foundation, Inc., The Michael J. Fox Foundation for Parkinson's Research, The Ohio State University College of Dentistry, The Ohio State University College of Medicine and Public Health, The Ohio State University School of Public Health, The Parkinson Alliance and Unity Walk, The Research Foundation for Mental Hygiene, Inc., The Rockefeller University, The Schepens Eye Research Institute, The Scientist, The Scripps Research Institute, The Smith-Kettlewell Eye Research Institute, The Society for Investigative Dermatology, The Spiral Foundation, The University of Chicago Pritzker School of Medicine, The University of Iowa Carver College of Medicine.

University of Alabama at Birmingham School of Medicine, University of Alabama at Birmingham School of Nursing, University of Alabama at Birmingham School of Public Health, University of Arizona College of Medicine, University of Arkansas for Medical Sciences, University of Buffalo, Targacept, Inc., Temple University School of Dentistry, Texans for Advancement of Medical Research, Texas A&M University Health Science Center, Texas Medical Center, Texas Tech University Health Sciences Center, The Arc of the United States, The Association for Research in Vision and Ophthalmology, The Biophysical Society, The Brody School of Medicine at East Carolina University, The Burnham Institute, The CJD Foundation, The Critical Path Institute (C-Path), The Endocrine Society, The FAIR Foundation, The Food Allergy and Anaphylaxis Network, The Food Allergy Project, Inc., The Forsyth Institute, The Foundation Fighting Blindness, The George Washington University Medical Center.

The University of Iowa College of Dentistry, The University of Iowa College of Public Health, The University of Mississippi Medical Center, The University of Mississippi Medical Center School of Dentistry, The University of Oklahoma College of Dentistry, The University of Oklahoma Health Sciences Center, The University of Tennessee Health Science Center, The University of Tennessee HSC College of Nursing, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas M.D. Anderson Cancer Center, The University of Texas Medical Branch at Galveston School of Medicine, The University of Texas Southwestern Medical Center, The University of Toledo Academic Health Science Center, Tourette Syndrome Association, Travis Roy Foundation, Tufts University School of Dental Medicine, Tulane University, Tulane University Health Sciences Center, Union for Reformed Judaism, Union of Concerned Scientists, Unitarian Universalist Association of Congregations, United Spinal Association, University of California System, University of California, Berkeley, University of California, Berkeley School of Public Health, University of California, Davis, University of California, Irvine, University of California, Los Angeles, University of California, Los Angeles School of Dentistry, University of California, Los Angeles School of Medicine, University of California, San Diego, University of California, San Francisco, University of California, San Francisco School of Dentistry, University of California, San Francisco School of Nursing, University of California, Santa Cruz, University of Chicago, University of Cincinnati Medical Center, University of Colorado at Denver and Health Sciences Center, University of Colorado at Denver and HSC School of Dentistry, University of Colorado at Denver and HSC School of Nursing, University of Connecticut School of Medicine, University of Florida, University of Florida College of Dentistry, University of Georgia, University of Illinois.

University of Michigan School of Dentistry, University of Michigan School of Nursing, University of Michigan School of Public Health, University of Minnesota, University of Minnesota School of Public Health, University of Missouri at Kansas City School of Dentistry, University of Montana School of Pharmacy and Allied Health Sciences, University of Nebraska Medical Center, University of Nebraska Medical Center College of Dentistry, University of Nevada, Las Vegas School of Dental Medicine, University of Nevada, Reno School of Medicine, University of North Carolina at Chapel Hill, University of North Carolina at Chapel Hill School of Dentistry, University of North Carolina at Chapel Hill School of Public Health, University of North Dakota, University of North Texas Health Science Center, University of Oregon, University of Pennsylvania School of Dental Medicine, University of Pennsylvania School of Medicine, University of Pennsylvania School of Nursing, University of Pittsburgh Graduate School of Public Health, University of Pittsburgh School of Dental Medicine, University of Pittsburgh School of Medicine.

Washington University in St. Louis School of Medicine, WE MOVE, Weill Medical College of Cornell University, Whitehead Institute for Biomedical Research, WiCell Research Institution, Wisconsin Alumni Research Foundation, University of Illinois at Chicago, University of Illinois at Chicago College of Dentistry, University of Illinois at Chicago College of Nursing, University of Iowa, University of Kansas, University of Kansas Medical Center, University of Kansas Medical Center School of Nursing, University of Kentucky, University of Kentucky College of Dentistry, University of Louisville, University of Louisville School of Dentistry, University of Maryland at Baltimore, University of Maryland at Baltimore College of Dental Surgery, University of Maryland at Baltimore School of Nursing, University of Miami, University of Michigan, University of Michigan College of Pharmacy, University of Michigan Medical School.

University of Rochester Medical Center, University of Rochester School of Medicine and Dentistry, University of Rochester School of Nursing, University of South Carolina Office of Research and Health Sciences,

University of South Dakota School of Medicine and Health Sciences, University of South Florida, University of South Florida College of Nursing, University of Southern California, University of Southern California School of Dentistry, University of Utah HSC School of Medicine, University of Vermont College of Medicine, University of Washington, University of Washington School of Dentistry, University of Washington School of Nursing, University of Washington School of Public Health and Community Medicine, University of Wisconsin-Madison, Van Andel Research Institute, Vanderbilt University and Medical Center, Vanderbilt University School of Nursing, Virginia Commonwealth University School of Dentistry, Virginia Commonwealth University School of Medicine, Wake Forest University School of Medicine, Washington University in St. Louis, Washington University in St. Louis Center for Health Policy, Wisconsin Association for Biomedical Research and Education, Woodruff Health Sciences Center at Emory University, Wright State University School of Medicine, Yale University, Yale University School of Medicine, Yale University School of Nursing.

Ms. DEGETTE. Mr. Speaker, many have said that adult stem cell research can be a substitute for embryonic stem cell research. To those people I would say that is simply not true. I support adult stem cell research. I support cord blood research. I support anything that could help cure all of the diseases that affect Americans.

But those who say adult stem cell research will be a substitute are demagoguing that issue for political gain and that is wrong.

Dr. Harold Varmus summarized it for all of the hundreds of researchers and the people who have done studies when he said just this week: ''Compared to adult stem cells, embryonic stem cells have a much greater potential, according to all existing scientific literature.''

Some researchers have said well, maybe we can find cures through adult stem cell research. Some researchers have said maybe we could do embryonic stem cell research in alternative ways, but those methods have shown no promise whatsoever.

By way of contrast, recently researchers were able to create beta cells in mouse pancreases which then became insulin-producing islet cells. Even more recently, researchers were able to take embryonic stem cells and make nerve cells to help with nerve damage and paralysis. Adult stem cells cannot be used for that purpose.

So in fact, the only promise for many diseases like the ones I mentioned, is embryonic stem cell research. That is why, Mr. Speaker, it is all well and good if people want to vote for S. 3504. It is all well and good if they want to say they support these other kinds of research, but in truth the only research that the tens of millions of Americans will rely on is embryonic stem cell research.

In closing, our President has said that he will veto this legislation, H.R. 810, and sign S. 3504. I will say this to the President: In 6 years in office, over 1,600 bills he has signed, he has signed bills that make our budget deficit the worst in our country. He has signed bills that allow us to go to war against other nations. He has signed post office namings, and so many other bills. This bill, MIKE CASTLE and I, we drafted this bill to be very narrow.

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We only allowed embryos which are created to give life for in vitro fertilization clinics and are then slated to be destroyed as medical waste to be donated voluntarily by the donors to be used for embryonic stem cell research. This is the pro-life alternative. This is the alternative that lets people, once they have had their babies for in vitro fertilization, say, I don't want my embryos thrown away. I want them used for medical research. I want those embryos to be used to save lives.

I just have one personal thing to say in closing. When people say that a 12-celled embryo is more important than patients today, I think of my 12-year-old daughter who suffers from type I diabetes. I think of the medical test that she does every day, sticking her finger. I think of the insulin that she must have to stay alive, and I say to the President, and I say to those that think that those embryos are more important than they are, I say, you know, come walk in her shoes for a day.

Come walk in the shoes of LANE EVANS, our colleague who cannot appear on this floor because of his debilitating illness.

Come walk in the shoes, unfortunately you couldn't walk in the shoes of our colleague, JIM LANGEVIN, who was paralyzed in a tragic gun accident and never walked again. And you tell all of those people that an embryo which is going to be thrown away for medical waste is more important than those people.

And that is why tens of millions of people will be watching this vote, and tens of millions of people will be watching the President this week. I suggest that the most important vote we can take is a vote for life and a vote for 810.

I want to thank my colleagues in the House for passing this bill. It was a bipartisan effort. And I want to urge them to think about that later this week if, as expected, a veto override vote comes to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, to close on this very important piece of legislation, I yield to the House sponsor of the companion bill, Dr. DAVE WELDON of Florida.

Mr. WELDON of Florida. Mr. Speaker, I want to thank Chairman BARTON. And I particularly want to thank the cosponsor of this legislation, Subcommittee Chairman DEAL. And I am certainly pleased that this legislation that we introduced passed the Senate unanimously. I fully expect something similar here in the House.

This bill, and I just want to point out to my colleagues, we are not revoting H.R. 810. We are talking about the bill to ban the procedure called fetal farming. And we are taking up the Senate version of the bill, which is a verbatim equivalent to the bill that Mr. DEAL and I introduced.

This bill sets a very, very important ethical boundary for biomedical research in this country, and obviously there is an ethical boundary that today we all agree on. It is a modest, but important, update to the Waxman 1993 fetal tissue research prohibitions.

These laws, as developed in the 1990s, attempt to protect women from being coerced into having an abortion for the purpose of providing fetal tissue for research. What they were trying to do is say you can only use voluntarily aborted fetal tissue. Then, as now, the concern was that women would be exploited. Because of this, in my bill the researchers are held accountable, not any woman who may be engaged in this procedure.

My bill adds a simple provision that would hold researchers criminally liable for intentionally implanting a human embryo, either in a womb or in an animal womb, for the purpose of harvesting the tissue for research.

Otherwise, the Waxman language is the same. It stays the same. The criminal penalties are the same. The definition of the fetus is the same.

When Congressman WAXMAN originally developed these laws, the thought of fetus farming hadn't even crossed our minds. Even now, most of us and most scientists would say that fetus farming is unthinkable. Science Magazine, in their reporting on the bill, stated, this bill, the one we are debating now, not H.R. 810, that fetus farming was ''ethically taboo for any legitimate researcher.''

However, what I want to get into now, and that is the reason I have the posters, this is the reason I have introduced this legislation. It may be considered taboo now, but I don't know if it will still be considered taboo in 2 or 3 or 4 years. And the way these things usually progress is they start doing it in animals and it shows a little bit of maybe potential, and then people start saying, we can cure diabetes and Parkinson's disease if we just start doing this in humans. And that is the direction they want to go.

Now, this was the first study that caught my attention, and as I have stated many times on the floor of this Chamber, I am a physician. I still see patients once a month. I have treated diabetes and Parkinson's. My uncle died of complications of Parkinson's. My father died of complications of diabetes. I have dealt with this as a professional. I have dealt with this in my family.

What they did is this is a cow study, and I would be happy to provide this to anybody. They did cloning, but then they took the cloned embryos, put them in a cow, and cardiac and skeletal tissue from 5- to 6-week-old cloned natural fetuses were used in this study,

and they tried to show that it had some therapeutic potential.

This was a second one, a cow study where they did the exact same thing, cloning, and they put it in a cow and they grew it into the fetal stage. And that is because embryonic stem cells are really a hassle to work with. It is really easier to use fetal tissue. And that is one of the arguments I have been making ever since I introduced my original bill to ban human cloning.

If you don't think scientists want to start doing this, here it is. This is one of the researchers involved with this. He says, ''We hope to use this technology in the future to treat patients with diverse diseases.'' And that is usually the way we go. We say, oh, this is ethically taboo. Oh, we don't want to do this. And then somebody with a Ph.D. on the end of their name comes along and says, we are going to be able to cure this and cure that, even though there is very little evidence, scientifically, to say that the cures will be there or at least, like in the case of human embryonic stem cell research, most credible researchers in moments of honesty will acknowledge it is 10 to 20 years, if ever, going to be applicable.

But that is what they will do. They will say we are going to cure this. We are going to cure that.

So I am very grateful the Senate voted unanimously. I fully expect this bill to pass overwhelmingly on suspension. And we will draw a line in the sand to say we are not going to take this whole area of tissue therapies into the realm of where we are exploiting fetuses.

Today, there is a majority in both bodies that want to exploit embryos. But we are saying collectively, as a Nation, through the votes of the Members of both Chambers, that we are not going to start exploiting fetuses. I think it is the right thing for us to do, and I am very, very pleased at the expedited action on this bill.

And, again, I want to thank Chairman BARTON and particularly my cosponsor, Chairman DEAL.

Mr. TERRY. Mr. Speaker, I rise in strong support of S. 3504, the Fetus Farming Prohibition Act.

This critical legislation will help prevent the dangerous potential for creation of human ''fetus farms'' to harvest children's tissues and organs for medical research. It would make it a federal crime punishable by up to ten years in prison to knowingly buy or sell human fetal tissue from a pregnancy deliberately initiated for the purpose of harvesting organs and tissues.

Unless S. 3504 is enacted, the potential for exploitation of women and children is tremendous. Animal research has already been conducted that raises severe ethical concerns for application in humans. For example, Advanced Cell Technology attempted to clone cow fetuses, implanted the fetuses within a womb and grew them for three to four months before aborting the cows to harvest their liver tissue for research. In addition, the Massachusetts Institute of Technology cloned and grew mouse fetuses to correct an immune deficiency, but the research was only successful when the mouse was aborted at the newborn stage for cell harvesting.

Some researchers have already indicated that cells or tissues from human fetuses are more desirable than embryonic stem cells because they are more developed and adaptable for transplantation. While the biotechnology industry claims no interest in maintaining cloned human embryos past 14 days, it has supported State laws such as the New Jersey law which allows ''fetus farming'' into the ninth month of pregnancy to harvest more developed organs and tissues. The potential to pay women to act as incubators for children to be grown and aborted for ''research'' is easily seen. S. 3504 would prevent this horrific situation, and I am proud President Bush has agreed to sign this legislation into law upon passage by Congress today.

I urge my colleagues to join me in supporting S. 3504 to uphold human life and protect women and children from exploitation in unethical research.

Mr. ESHOO. Mr. Speaker, I support S. 3504 because I think it is essential to have the strictest of guidelines that reflect our Nation's values regarding the creation and responsible treatment of human embryos.

Having said this, if we pass this bill without also enacting legislation to allow for federally funded and regulated stem cell research, we are saying ''no'' to the potential of life saving treatments for millions of Americans who suffer from diseases for which there are currently limited or no treatment options.

Later this week, the House will likely vote on H.R. 810, the Stem Cell Research Enhancement Act, a bill which puts into place critical federal support for embryonic research under the strictest ethical requirements, and I'm proud to be an original cosponsor of this bill.

Under H.R. 810 embryonic stem cell lines will be eligible for research funding only if embryos used to derive stem cells were originally created for fertility treatment purposes, are in excess of clinical need, and are donated for the purpose of research.

H.R. 810 will bring embryonic stem cell research under the National Institutes of Health, ensuring rigorous controls and ethical guidelines on this research that only NIH can impose. We have a moral imperative to ensure that this research is conducted in adherence to sound medical, ethical, and moral guidelines.

The Stem Cell Research Enhancement Act will advance medical science and will almost certainly save lives and provide hope to millions of Americans afflicted with suffering from diseases and injuries, including Parkinson's, Alzheimer's, heart disease, and spinal injuries.

Without federal funding and standards, scientific progress will move overseas and Americans' access to the most important medical innovations will be limited.

I join Dr. FRIST, the Senate Republican leader, in support of this bill, as well the governor of California, Governor Schwarzenegger, who has asked the President to withhold his veto.

The Federal Government has a key role to lead, to encourage and to assist in the cutting-edge research which can and will save the lives of our citizens.

I urge my colleagues to support H.R. 810 and support stem cell research, and I implore the President to reconsider his pledge to veto this crucial legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, S. 3504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

The Clerk read as follows:

S. 2754

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 ''Alternative Pluripotent Stem Cell Therapies Enhancement Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 498C the following:

''SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with

the Director, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—

''(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

''(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2009, to carry out this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to voice my support for the alternative Pluripotent Stem Cell Therapy Enhancement Act. Now, that is a mouthful.

As an advocate of increased funding for health care research, I am eager to support legislation that would continue funding for this groundbreaking research that shows great promise for translating research into real cures for people who suffer from debilitating illnesses like diabetes and Parkinson's.

As I have said in the past on this floor, I feel strongly that Congress should do its best without delay to ensure that our American citizens benefit from the latest advancements in medical research. Great advancements are possible from research on adult stem cells and other pluripotent cells, and such research should be encouraged.

This legislation would provide valuable dollars to promote stem cell research into new and promising areas. And it should be recognized as an important compromise measure that addresses the many ethical issues deeply held by many Members in this body on both sides of the issue that are associated with the question of Federal funding for stem cell research.

With this legislation, the important research can continue to expand. With time, I am hopeful that we will see some of the miracle cures that all of us have been so fervently praying for for many years.

Mr. Speaker, I hope that my colleagues will seize the opportunity to advance scientific and medical research in a morally ethical way by voting in favor of S. 2754.

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

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to myself.

Mr. Speaker, I rise in opposition to S. 2754, the so-called Alternative Pluripotent Stem Cell Therapies Enhancement Act.

This bill may seem innocuous on its face. It just tells the Secretary of HHS to research these alternative therapies. But, in fact, it has several key problems. The first one is it sets a disturbing precedent. The bill requires the Secretary of HHS to conduct research into so-called alternative therapies. These therapies, however, do not exist. And they would shift precious resources from the NIH into this fake research that doesn't really exist.

Secondly, as a member of the House Energy and Commerce Committee, I am very concerned when we direct the NIH to pursue one type of research over another. Congress never directs the course of research.

Imagine if we told the NIH, Congress, I guess because we are the uber researchers now, to pursue one type of cancer research over another type of cancer research.

Thirdly, alternative methods for creating pluripotent stem cells are not a real scientific prospect at this time.

As I mentioned during the debate on the last piece of legislation, these types of research have been hypothesized from time to time, but no one has actually had any clinical application. The only promise has been shown in embryonic stem cell research.

Frankly, this bill does worse than nothing. This bill diverts attention and resources away from embryonic stem cell research, which is the research that really shows promise for diseases that affect tens of millions of people, diseases like nerve damage, Alzheimer's, Parkinson's and so many others.

I support all legitimate research, but Congress and the White House should not be giving false hope to patients across America who just want to have cures for their diseases.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 2 minutes.

I rise in support of this legislation, which will allow funding for research that is already showing some real promise and, at the same time, avoids the moral and ethical perils of research involving the destruction of human embryos.

Pluripotent cells have the ability to grow into any cell in the body. Like other stem cells, pluripotent cells are used in the treatment of debilitating conditions where the replacement of damaged or malfunctioning cells is needed. Using adult stem cells drawn from bone marrow and umbilical cord blood system cells, scientists have discovered new treatments for scores of diseases and conditions such as Parkinson's disease, juvenile diabetes, and spinal cord injuries. Thousands of people have already benefited from these advances; and with continued research, thousands more stand to benefit in the near future.

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The success of these treatments shows the merit of adult stem cell research and demonstrates the need for further research.

Last year Congress took action in this area by passing the Stem Cell Therapeutic and Research Act of 2005. As a cosponsor of that legislation, it was a bill which expanded the number of stem cell options available to Americans suffering from life-threatening diseases.

Today's legislation will allow us to take another step forward and open up even more avenues for promising research for individuals and families.

The concerns with embryonic stem cell research are real and deeply held by many Americans. But Americans are not the only ones who have reservations about moving forward with research that destroys human embryos. In fact, many nations currently refuse to support embryonic stem cell research of any kind. And last year the United Nations adopted a resolution declaring a prohibition on ''all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life.'' Voting along with the United States on this strong declaration were 84 nations, including Germany, Austria, Australia, Italy, and Portugal.

The legislation before us today upholds these principles and will help to further establish our Nation's leadership in ethical and effective scientific research.

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

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE) and the prime cosponsor of H.R. 810.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding.

I do rise in opposition to S. 2754, which is the Alternative Pluripotent Stem Cell Therapies Enhancement Act. This is authored by good friends and people I respect greatly, Senator SANTORUM and Senator SPECTER and particularly the gentleman in this House who is here on the floor, Mr. BARTLETT, for whom I have great admiration. But I have looked at it considerably, and after many discussions with him and others, I disagree this is the way to go about this, and I must oppose it.

Put simply, the legislation mandates the National Institutes of Health to support highly speculative research, some of which has been deemed unethical by the President's own Bioethics Council, and this mandated research may violate current law because embryos will be destroyed with Federal dollars.

While I appreciate the fact that this legislation acknowledges the very real fact that embryonic stem cells have more potential for treatments and cures than adult stem cell research, and I think that is a very important point, I might add, this legislation is a delay to cures. Why is it a delay? It requires researchers to develop new ways to create or isolate embryonic stem cells before the research with embryonic stem cells can even begin. So you add a whole additional step to the process. And in speaking with Dr. Leon Kass, the former director of the President's Bioethics Council, it could take years to develop these isolation techniques, which means the research is being held up even further.

Why not go with the tried and true method of isolating embryonic stem cells from 5-day-old blastocysts created for the purposes of IVF, no bigger than the tip of a pencil, that would never be implanted in a woman and are slated for medical waste. And then let the research begin immediately.

It would be one thing if these methods were scientifically proven, but they are not. And if they are not, they may never be. My friend from Maryland may talk about single-cell biopsy and its promise in mouse stem cell research, but the Bioethics Council deemed that particular procedure unethical as well because it may very well lead to the destruction of the embryos.

Why not leave the current law alone? The National Institutes of Health can already fund research grants examining alternative methods of derivation. In other words, most of this can be done without being mandated. There is absolutely no reason to mandate this research.

I ask my friends who support embryonic stem cell research to vote against this legislation. It is a distraction for the NIH. It is a distraction for our researchers. And it is a delay to cures, which is most important. The only legislation which provides a direct path to potential cures is H.R. 810, the Stem Cell Research Enhancement Act. Put together, this bill would mandate research, some of which the President's own Bioethics Council has concluded is unethical. And for those who have raised this issue repeatedly, it permits the possibility of destroying embryos as part of the mandated research.

I would encourage all in the House to oppose this legislation.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, earlier today I participated in a news conference with about a dozen Snowflake babies who were adopted as embryos, along with five colleagues who are medical doctors. Very few media came to see these children and record their smiles, squirms, dancing, and other delightful antics. How can anyone look at them and say that it would have been okay to kill them to produce stem cell lines? I can state unequivocally that it is morally reprehensible and scientifically unnecessary to kill human embryos to provide raw fodder for scientific research.

For the vast majority of scientists and medial researchers, pluripotent stem cells hold the most promise for understanding human diseases and treating devastating conditions. That is why they are coveted.

To some, the manner in which these pluripotent stem cells would be obtained under the Castle-DeGette bill, by using taxpayers' dollars to kill a human embryo, is secondary to the hope for cures that they represent to sick patients.

To me and millions of other Americans, deliberately taking the lives of innocent human embryos is an unacceptable trade-off. A number of scientists have now proven what I have argued for the past 5 years. It is scientifically unnecessary to destroy human embryos to obtain pluripotent stem cells. Indeed, at least one procedure is almost immediately ready for human clinical application.

The Bartlett-Santorum bill represents common ground into promising ways the Federal Government can support pluripotent stem cell research without sacrificing life for medicine.

The Bartlett-Santorum bill will amend the Public Health Service Act to require NIH to conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that have pluripotent or embryonic-like qualities. It was approved by the Senate earlier today by a unanimous recorded vote of 100–0.

''It's surprising what you can accomplish when no one is concerned about who gets the credit.'' Ronald Reagan, 1989.

President Bush will sign the Bartlett-Santorum bill into law because it meets his ethical standards for promoting pluripotent stem cell research without the creation of human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus. I am proud of President Bush's unwavering defense of the sanctity of life. I am grateful for his support and the support of my colleagues for ethical pluripotent stem cell research.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to make sure I am actually speaking on the right bill, and I am speaking to the Alternative Pluripotent Stem Cell Therapies Enhancement Act, and I thank my colleague from Colorado for yielding.

I do rise in opposition to a politically motivated bill brought to this House today to provide cover for certain Members who have tough elections ahead of them. It seems really simple: Vote for one type of stem cell research and then you can oppose another. This way you can appeal to voters on both sides of the issue.

But this bill is rather meaningless because there is nothing preventing researchers now from conducting research on stem cells derived from sources other than embryos.

I wish to enter into the RECORD a letter from the American Society for Cell Biology, which contains 27 signatories including Nobel Prize winners, chancellors of universities, researchers from across this country who are opposing this legislation not because it is evil but because it is a waste of resources.

The truth is there exists no way to extract embryonic stem cells without then having to discard those embryos, which, by the design of the underlying legislation, would have been discarded anyway. This would not be done without the expressed approval of the donating parent.

If you truly support giving hope to the millions of Americans who suffer today from diseases like ALS, cancer, Alzheimer's, diabetes, then you support feasible embryonic stem cell research that can be done today.

And those of you who claim that there is no hope for stem cell research are wrong. NIH-funded research, limited as it currently is, has already shown definite progress in this area. In the case of heart disease, scientists have been able to successfully use stem cells to create and transplant living heart cells in rats. The promise of these advancements for the human heart is incredible. This is surely a pro-life piece of legislation if there ever was one.

And there are so many more examples of the lifesaving potential of the

stem cell research we already know about, but our scientific researchers only need the resources to do this.

So I urge my colleagues to join me in voting ''no'' on this bill as a show of support for enactment into law of H.R. 810, voted for in a bipartisan way in this House, today voted for in the Senate. This is what the American people want. This is what we have supported. This is the only vehicle by which we can ensure expanded stem cell research and the ability to save lives.

THE AMERICAN SOCIETY
FOR CELL BIOLOGY,
Bethesda, MD, July 17, 2006.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The Senate will shortly be considering legislation to permit the National Institutes of Health (NIH) to fund research with additional and new and existing human embryonic stem cell (hESC) lines. As staunch supporters of biomedical research and particularly research with hESCs, we trust that you will exert your influence to ensure passage of H.R. 810. Scientists engaged in ESC research are counting on you and like-minded Senate colleagues to assure its passage.

The President must also be persuaded not to veto this legislation, for if we continue on the path he set 5 years ago, United States investigators will be out of the running in converting embryonic stem cells into important new therapies. It is especially frustrating and demeaning that American scientists are prohibited from using their NIH grant funds for research with the hundreds of hESC lines generated outside the United States or generated in this country with private funding.

Also, S. 2754, the ''Alternative Pluripotent Stem Cell Therapies Enhancement Act,'' sponsored by Senators SPECTER and SANTORUM, seems to us, superfluous. Ostensibly, it is intended to authorize research ''to derive human pluripotent stem cell lines using techniques that do not harm embryos.'' However, at present, such research is currently permissible and, therefore, does not require congressional legislation; indeed, the National Institutes of Health may currently be funding such efforts.

Moreover, all the alternative procedures advanced in the report by the President's Council on Bioethics and other alternative methods that have been suggested encounter equally vexing ethical concerns. Hence, S. 2754 is unneeded and if passed would deflect from the current urgent need for generating new stem cell lines from excess IVF-derived blastocysts.

Sincerely,

Peter Agre, M.D., Vice Chancellor for Science and Technology, James B. Duke Professor of Cell Biology, Duke University School of Medicine, Nobel Prize in Chemistry, 2003; Bruce Alberts, Professor of Biochemistry and Biophysics, University of California, San Francisco, President Emeritus, National Academy of Sciences; Mary C. Beckerle, Ph.D., Ralph E. and Willia T. Main, Presidential Professor, University of Utah, President, American Society for Cell Biology; David Baltimore, President, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1975; Paul Berg, Cahill Professor of Biochemistry, Emeritus, Stanford University, Nobel Prize in Chemistry, 1980; J. Michael Bishop, Nobel Prize in Physiology or Medicine, 1989; Helen M. Blau, Ph.D., Donald E. and Delia B. Baxter, Professor, Director, Baxter Laboratory in Genetic Pharmacology, Stanford University School of Medicine.

Michael S. Brown, MD, Nobel Prize in Physiology or Medicine, 1985; Linda Buck, Ph.D., Howard Hughes Medical Institute, Division of Basic Sciences, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2004; Johann Deisenhofer, Regental Professor, Investigator, Howard Hughes Medical Institute, The University of Texas Southwestern Medical Center, Nobel Prize in Chemistry, 1988; Joseph L. Goldstein, M.D., Regental Professor of Molecular Genetics and Internal Medicine, University of Texas Southwestern Medical Center at Dallas, Nobel Prize in Physiology or Medicine, 1985; Larry Goldstein, Investigator, Howard Hughes Medical Institute, Department of Cellular and Molecular Medicine, University of California, San Diego School of Medicine; Alfred G. Gilman, M.D., Ph.D., Dallas, Texas, Nobel Prize in Physiology or Medicine, 1994; Paul Greengard, Professor, The Rockefeller University, Nobel Prize in Physiology or Medicine, 2000; Lee Hartwell, Ph.D., President & Director, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2001; Dudley Herschbach, Baird Research Professor of Science, Harvard University, Nobel Prize in Chemistry, 1986.

H. Robert Horvitz, Professor of Biology, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 2002; Douglas Koshland, Carnegie Institution, Investigator, Howard Hughes Medical Institute; Paul C. Lauterbur, Center for Advanced Study Professor of Chemistry & Distinguished Professor of Medical Information Sciences, University of Illinois, Nobel Prize for Physiology or Medicine, 2003; Sean J. Morrison, Investigator, Howard Hughes Medical Institute, Director, Center for Stem Cell Biology, University of Michigan; Eric N. Olson, Department of Molecular Biology, University of Texas, Southwestern Medical Center at Dallas; Thomas D. Pollard, MD, Sterling Professor and Chair, Molecular Cellular and Developmental Biology, Yale University; Randy Schekman, HHMI Investigator, Dept. of Molecular and Cell Biology, University of California, Berkeley; Phillip A. Sharp, Institute Professor and Center for Cancer Research, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1993; Maxine F. Singer, A.B., Ph.D., D.Sc., President Emerita, Carnegie Institution of Washington; Harold Varmus, MD, President, Memorial Sloan-Kettering Cancer Center, Chair, Joint Steering Committee for Public Policy, Former Director, National Institutes of Health, Nobel Laureate in Medicine or Physiology, 1989; Eric Wieschaus, Department of Molecular Biology, Princeton University, Nobel Prize in Physiology or Medicine, 1995.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, many of us have been impacted, directly or indirectly, by diseases like juvenile diabetes, Parkinson's, Alzheimer's, Lou Gehrig's disease, and so on. I have friends, as many people here do, who have had these diseases, and my heart goes out to these families. And on the other hand, many oppose embryonic stem cell research because they see the embryo as a human life, which I do as well.

So where do we go with this? I mean on the one hand we are going to create a huge problem for those who believe in life beginning at conception, and we have a desire to also help people who need the stem cell research that think that these are the solutions. So I would differ with some of my friends here, in that the British have done more than 2,000 replications where they have extracted stem cells without destroying the embryo. It has been done. This is not something that has never occurred before. This is not pie in the sky. This is a very real possibility to resolve this dilemma: Are you going to try to preserve human life, as many of us who are pro-life see it, and also have stem cell research? The Senate saw it 100–0. So why over here now, in order to pass a particular bill, are we trying to destroy this bill? It makes no sense to me.

So with that, I certainly urge passage of Senate 2754.

Ms. DEGETTE. Mr. Speaker, I would just correct the gentleman from Nebraska. I was in England over the Memorial Day recess, meeting with all of the major researchers. None of them have found clinical application in just taking cells out of embryos. They all agree that embryonic stem cell research shows the most promise.

Mr. Speaker, I yield 3 minutes to my distinguished colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding and for her great work on this issue.

The real debate here today in Congress is about whether or not the President is going to veto the Stem Cell Research Enhancement Act.

What the Republicans have done is to bring out so many red herrings that we might as well put an aquarium out here in the well of the House. It is to distract. It is to divert.

The central issue is whether or not this body this week is going to vote for a victory for science, a victory for progress, a victory for millions of Americans who are struggling to survive in the face of a devastating disease. This bill, as it passes the House and has already passed the Senate and we vote on it later on this week, is a magnificent milestone in our journey to realizing the life-giving potential of stem cells. Twenty-one million Americans have diabetes; 4.5 million Americans have Alzheimer's; 1.5 million Americans suffer from Parkinson's disease; and more than 1 million people in our country have muscular dystrophy. You can go down the list: spinal cord, heart disease. You can go through all of those diseases. Just take one, Alzheimer's. By the time all of the baby boomers have retired, 15 million Americans will have had Alzheimer's, 15 million baby boomers.

Embryonic stem cell research is one of the most promising paths to the treatment and cure of all of these devastating diseases.

□ 1745

Nevertheless, President Bush is now threatening to use his very first veto to prevent scientists from using Federal funds to search for these cures. He is threatening to use his very first veto to dash the hopes of patients and their families.

Research is medicine's field of dreams from which we harvest the findings that give new knowledge to the causes, the treatment and prevention of disease and the development of cures. Hope is what this debate is all about. Hope is the most powerful four-letter word in the English language, and I have no doubt that, in the end, hope is going to win.

But if we don't, if President Bush is successful, we will be snuffing out that flickering candle for medical cures that has just been lit. We will be condemning the afflicted to another generation of darkness. We will be ending the hope for a child with muscular dystrophy, who can't understand why his body is getting weaker while his friends are getting stronger, a veteran with spinal cord injury, a spouse who watches her husband lose his memory.

Let us not let President Bush veto hope. Let us not let President Bush veto hope. We must not let President Bush veto hope.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the Santorum-Bartlett pluripotent stem cell bill, and I want to take this opportunity to say on the floor of the House of Representatives that I am proudly both pro-life and pro-science.

Today is a great day for the American people. Today they get to see their Members of Congress stand up for the sanctity of human life as well as the hope of medical research. No longer as a society do our hands need to be tied to choose one or another; nor are we forced to trade one person's life for the chance to improve another's. No. Today, Mr. Speaker, I am here to say that technology has advanced and research has shown that there are methods to obtain embryonic-like stem cells ethically. It is because of the potential of these advances that the Federal Government should invest their financial resources in the promise of pluripotent stem cell research.

My good friend from Delaware, Mr. CASTLE, said earlier, you know, why go through another step? We have already got this proven technique that the Castle-DeGette bill calls for of obtaining stem cells, embryonic stem cells, from human embryos by just simply putting them in a blender, churning them up and easily getting those embryonic stem cells out.

I am saying to you and my colleagues, that is too much collateral damage. The collateral damage is destruction of human life. This is a better way. We can utilize embryonic stem cells from what Mr. BARTLETT has described in his bill and Senator SANTORUM, and I think that is the way to go. I commend him for this bill, and I commend it to my colleagues.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 1¾ minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, like many of my colleagues and fellow citizens across the country, my family, too, has been touched by the scourge of disease. I have seen firsthand the devastating effect that disease can have on a loved one and on a family. That is why I am a strong supporter of stem cell research, research on adult stem cells and stem cells derived from umbilical cord and placenta blood.

Adult stem cell research has already proven successful and worthy of our investment of taxpayer money. It has proven so useful in fact that therapies derived from adult stem cells are treating patients today throughout the country.

Before the House today we have a bill that supports new and even broader horizons in stem cell technology, H.R. 5526, the Pluripotent Stem Cell Therapies Enhancement Act.

To be sure, positions on embryonic stem cell research are deeply held by every Member. This legislation focuses on what scientists at many of our country's most esteemed research universities have developed, embryonic stem cells that do not require the destruction of the embryo. Scientists seeking the same compassionate cures to many of our most debilitating diseases have recognized that science and ethics need not be divorced to produce positive results for patients.

Adult stem cell therapies and pluripotent stem cell therapy present exciting and hopeful new possibilities and treatments and even cures to families with loved ones facing the scourge of disease. This is good news worth repeating. We can do worthwhile and groundbreaking stem cell research to benefit patients without destroying human life.

Mr. Speaker, science and technology must always serve humanity, not the other way around. H.R. 5526 is faithful to that principle. We can both conform to the highest bioethical standards and provide the potential for hopeful medical advances. I urge its passage.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, today I rise in support of our Nation's scientists and medical research. Today the Senate passed three bills. Now, I believe that it is important to pursue all types of research, and the bill that we are debating presently is something that NIH and our researchers can already do.

But let me be very clear: only H.R. 810, which this Chamber passed over a year ago, H.R. 810 is the only bill that holds the tremendous potential to cure some of life's most challenging conditions and diseases.

Mr. Speaker, we stand at the threshold of a new generation in medical research. I believe firmly that H.R. 810 and stem cell research will fundamentally change the course of medicine within the next decade and well into the future in so many ways.

We are limited only by the bounds of our own imagination. As long as our Nation's scientists and medical researchers have the tools and resources that they need, I believe that there is no limit to what they can cure. H.R. 810 and stem cell research offers the hope to cure Parkinson's disease, Alzheimer's, juvenile diabetes, and even spinal cord injuries.

Mr. Speaker, I remember a time more than 25 years ago when I stood in the locker room of the police station as a young police cadet. A police officer's gun accidentally went off. That bullet went through my neck and severed my spinal cord. I have been paralyzed ever since. I was told that I would never walk again.

But, Mr. Speaker, today is an exciting time in medical research. I firmly believe in a day in the very near future when a child with juvenile diabetes will not have to endure a lifetime of painful shots and tests; that families will not have to watch in agony as a loved one with Alzheimer's gradually declines; and, Mr. Speaker, I believe in a day when I will walk again.

Today, Mr. Speaker, we have the opportunity to move research forward. H.R. 810 removes the restrictions that have been placed on it and offers hope to millions of Americans and people around the world.

This is an important time. I ask the President not to veto this bill, but to join with us in passing H.R. 810 and changing the world for the better.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, today I rise in support of S. 2754.

Make no mistake about it, Congress is not debating banning stem cell research. It is legal. It is a question, though, of whether or not we will use the public's money to fund research that many Americans find morally and ethically reprehensible.

I support this bill because, without destroying innocent human life, it prioritizes additional research with the greatest potential for near-term clinical benefit, like umbilical cord blood and adult stem cells. That research is already yielding treatment to fight diseases like leukemia and lymphoma.

Mr. Speaker, our sacred Declaration of Independence states that every American has the right to life, and I am personally opposed to any measure that would create life just to destroy it.

This it is not the first nor the last time that I believe Congress will debate this important question, but

whenever doubt or conflict arises, I hope that Congress will always, always, Mr. Speaker, err on the side of life.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this legislation does not advance potentially lifesaving stem cell research. Despite its nice sounding, albeit hard to pronounce, name, the bill simply tells the National Institutes of Health to continue doing what they are already doing. This bill really is here to serve as political cover so that opponents of H.R. 810, the Castle-DeGette bill, can claim that they did something. It is really both useless and superfluous.

Instead of spending our time debating bills that would not advance the science of stem cell research, we should be looking for real ways to promote this vital research. We should be empowering our scientists by opening up new resources and new opportunities for them to expand their research. We should be providing patients and families with real hope for the future, not passing empty bills.

Mr. Speaker, I am fortunate to represent the University of Wisconsin-Madison, where Dr. Jamie Thomson and his team were the first to derive and culture human embryonic stem cells in a laboratory. Embryonic stem cells open the possibility of dramatic new medical treatments, transplantation therapies and cures. But at 9 p.m. on August 9, 2001, the hope and promise of this embryonic stem cell research was greatly curtailed by the administration's restrictions on Federal research dollars for stem cells.

We need to end these irrational restrictions. We need to enact H.R. 810 into law. H.R. 810 is real progress, and it provides our scientists with the tools that they need to continue their lifesaving research.

Please vote against the distraction before us right now.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I just want to give this audience here three reasons to support this bill: first, it funds groundbreaking stem cell research. The types of stem cells promoted by S. 2754 possess similar potential to differentiate into any cell in the human body as embryonic stem cells. This bill authorizes funding for pluripotent stem cell techniques that do not involve the derivation from a human embryo.

Two, it is noncontroversial. It does not authorize Federal funding for research that would create, discard, destroy, knowingly harm human embryos or fetuses, avoiding this sensitive and controversial issue. Pluripotent stem cells derived from methods that do not result in the destruction of human embryos possess the ability to differentiate into all human cells, just like embryonic stem cells. This bill does not mandate any techniques or methods for deriving or creating alternative pluripotent stem cells. It simply establishes the guidelines for the type of research authorized for funding.

Finally, it supports scientific research. Researchers exploring alternative methods of deriving stem cells will benefit from Federal funding.

Mr. Speaker, no one in this room is untouched by the need to have good quality research. In my own family, my cousin has Lou Gehrig's disease. We need responsible research. This is responsible research.

Background: Scientists believe that stem cell therapies may be used to treat a wide variety of illnesses, from degenerative neurological diseases like Alzheimer's, Parkinson's, and Lou Gehrig's, to other conditions like diabetes and heart disease.

Pluripotent stem cells, of which embryonic stem cells are one type, can produce all of the cell types of the developing body. However, they need not be derived from human embryos.

A May 2005 White Paper published by the President's Council on Bioethics described, in depth, various methods of deriving pluripotent stem cells without destroying embryos.

In keeping with the recommendations of the President's 2001 policy on Federal stem cell research and the Dickey amendment, S. 2754 would authorize appropriations for the Secretary of HHS to conduct research into developing techniques "for the isolation, derivation, production, or testing" of pluripotent stem cells that do not involve the destruction of human embryos.

Bottom Line: S. 2754 will allow federal funding for stem cell research that is ethically sound because embryos will neither be created, harmed, nor destroyed.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, this bill, while well-intentioned, raises obfuscation and disingenuousness to an art form. It says nothing that truly supports embryonic stem cell research. It promotes technology which does not exist in a form which will help cure human disease.

Only the central cell mass of the blastocyst, in this case those which would be used in in vitro fertilization but instead will be tossed in the trash, are pluripotent.

□ 1800

While I strongly support adult and umbilical cord stem cell research, and there are clinical uses for both now, and they should be supported and research continued.

The true stem cell bill is H.R. 810, the Castle-DeGette bill. It is the bill endorsed by the legitimate scientific community, and the bill which holds the most promise for cures for diseases which today have no cure. It is the bill which is truly pro-life.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think it is unfortunate that Mrs. CAPPS, Mr. MARKEY, Ms. BALDWIN and others have attacked our motives on this floor. I think it degrades the debate. This is not about political cover, but how we can support stem cell research that is ethical and works, and promote research on pluripotent cells that do not destroy human embryos.

Let me remind my colleagues that way back on September 11, 2001, DAVE WELDON and a group of us began working on the umbilical cord blood bill that was finally, several years later, signed into law by the President. That legislation, signed on December 20, 2005 provides $265 million over 5 years to create a new, aggressive, robust, cord blood and bone marrow transplantation program.

That is not cover. That is all about trying to find cures. We take a back seat to no one. We have all had sicknesses in our families, every one of us. We just believe that we need to promote research that is both ethical and not embryo destroying.

Let me also remind my colleagues, and this may come as a pleasant surprise, this year we will spend $609 million on stem cell research. Is that cover too? Of course not. We want to find cures. And we want to do it in an efficacious manner as well as an ethical manner. I support ROSCOE BARTLETT's legislation which he has brought to the floor today.

Ms. DEGETTE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STERNS).

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

Mr. STEARNS. Mr. Speaker, I come down in this short amount of time, Mr. Speaker, to say the claim and the facts. The claim that these folks make is the bill takes focus away from advancing cures through federally funded embryonic stem cell research from excess IVF embryos. Fact. In other words, it is another way to advance those cures which all supporters of embryonic stem cell research claim to support as well until now.

This is a very strange argument, when all supporters of this research and the Senate just voted to support this bill.

Claim. Alternative methods described in legislation are highly speculative, and are either simply ideas or unproven in a human model. We all know that the Federal money is going to cost the taxpayers a lot. But privately, you can go out and do what you folks want to do. So if there are so many cures for this, why not have the

private sector provide them for you? And all of these baby boomers that you talk about who will not get these, of course, will in fact get them, because the private sector can solve it.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, the gentleman from Florida says this is a strange argument, and he has got that right, because this is a very strange bill. What it does is it says the Secretary shall conduct research into these so-called alternatives. But these are alternatives not specified in the legislation. But what is worse is it will take resources away from the already minuscule amount of resources that are being put in at the NIH to enforce the little stem cell research that is going on in this country.

Frankly, some of the kind of research techniques that have been discussed on the floor today, including those by my friend Mr. BARTLETT from Maryland, are techniques for alternative derivation of cells and so on that would, in fact, involve destruction of embryos.

And Dr. Leon Cass, who is the President's own chairman of his bioethics committee, said that it remains to be seen, in his view, whether any of those proposals for alternate sources of stem cells will succeed, and more discussion is surely required of some of the ethical issues.

So even their own expert thinks this bill may be unethical. Why would we do this when we have so many scientific advances that are just outside of our grasp? Why would we do this when there are thousands of embryos that are thrown away as medical waste? It would be as if your child was in a car crash, and you decided that the ethical thing to do would be to donate that child's organs so that someone else could live.

Why should we not allow people who have these embryos created for in vitro fertilization to donate those embryos which are slated to be thrown away as medical waste, in order that others may live?

We have heard the President intends to veto H.R. 810 and sign this bill. No one will be fooled by this fig leaf. The patients of America, the tens of millions of people who suffer from diseases like Parkinson's, diabetes, paralysis, cancer, heart disease, they know, they know that this research holds hope and they know that 72 percent of Americans support this.

And I would urge the President to think hard about whether this is where he wants to take the stand for his first veto. I would urge this House to think very, very hard about what they will do in that tragic incidence.

Mr. CASTLE and I asked the President to meet with us, so that we could look him in the eye and explain the bill, and explain the ethical controls that are in the bill, and explain how we too want ethical science but that we want science that is meaningful. He refused to meet with us. I have time tonight. If the President would like to meet with me and Mr. CASTLE, we would be delighted to explain the tremendous potential of embryonic stem cell research.

Mr. DEAL of Georgia. Mr. Speaker, to conclude the debate, I would yield the remaining time to Dr. WELDON from Florida.

Mr. WELDON of Florida. I thank Chairman DEAL for yielding.

I want to commend Dr. ROSCOE BARTLETT. Many of you don't know him as a doctor, but he is a doctor of physiology. He led the charge on this issue beginning over a year ago now. Frankly, I am really surprised anybody would get up and oppose this legislation. It has been claimed that the Congress never directs research like this. We have had a line item directing NIH on diabetes for years. As a matter of fact, I think it passed as a separate authorization through the Commerce Committee.

Then we have obviously had the directed research on AIDS for years and years and years. So there is plenty of precedent for this. As was stated earlier, this passed the Senate unanimously. You know, the embryonic stem cells that the opponents of this bill prefer to use, the embryonic stem cells from the fertility clinics, if they were ever used in a human clinical trial, first of all, you have to get over the issue that I have been saying for years and years, that they become tumors when you put them in animals, they become teratomas.

That is a feature of embryonic stem cells that nobody has published a study showing the ability to turn that feature off. So they have never been shown to be safe. But then you are going to have the genetic mismatch issue.

And, you know, Senator SPECTER recently held a hearing. And he asked Dr. Beatty, he runs the stem cell program at the NIH, and he asked him this question. He said, would you say, then, that embryonic stem cells are the best available, although all others ought to be pursued? I think he was expecting this researcher to say, yes, like so many other scientists are saying. The embryonic stem cells have the most promise.

But, no, he did not say that. He said nuclear reprogramming, where you take a mature adult cell type, and you effectively dedifferentiate it back to a pluripotent state, that is one of the most exciting areas of research. And that is what this bill calls for putting more money into.

Let me see, I think I had one other quote here. This is really interesting. Like I have said before, I am a doctor, I have treated Alzheimer's and Parkinson's, it has affected my family. I have also said I read the medical journals, indeed I even hired a Ph.D. researcher out of MIT to help me keep track of all of this.

And here it is. This is Nature Magazine, published on line: ''Reprogramming Adult Human Cells to Repair Damaged Tissue May Not be Quite as Tough as Thought.''

Researchers have devised a chemical cocktail that makes adult mouse cells behave like embryonic stem cells, and the recipe is surprisingly simple.

What is really exciting are a bunch of German researchers have published this. They have taken testicular cells in a mouse model, gotten them to behave just like embryonic stem cells, and indeed, if you do not think this is worth pursuing and you do not want to vote for this, I can tell you there are venture capitalists funding a company in California devoted to doing just this very thing. And that is where this is going.

The embryonic stem cells are going to go away, no matter how we vote on this. Now, I personally believe this is a very, very good piece of legislation nonetheless, and that is because you are going to learn a lot about cell biology and embryology by studying these things. I am morally and ethically against it, but what I have opposed are these false claims that you are going to have all of these cures.

I mean, there is no evidence to that. Now, I have never disputed the fact that you will gain knowledge by doing embryonic stem cell research. And we now have the potential to do that in a very ethically acceptable way to, I think, everybody. And this is a very, very modest piece of legislation.

To oppose it, I don't know how else to interpret it other than to say, you really want to kill embryos. Because we now have abundant scientific evidence coming forward that you can create embryonic stem cells using other methods. And there are several different pathways to do that. And this bill is a very, very good bill.

Mr. STARK. Mr. Speaker, I resent being dragged into RICK SANTORUM's hapless reelection campaign by having to vote on bills designed to provide him and other extremist Republicans with cover for their opposition to productive embryonic stem cell research.

S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, directs the Secretary of Health and Human Services to pour money into far less promising methods of deriving stem cells from adult cells. S. 3504, the Fetus Farming Prohibition Act, bans unethical forms of research that are already prohibited by law. I sincerely doubt that these worthless bills will convince any voter that their Senator supports stem cell research.

I will vote for the Fetus Farming bill simply because this practice is already against the law. Therefore, this bill is meaningless, but also harmless.

However, I will vote against the Alternative Pluripotent bill because it sets a dangerous precedent in choosing one form of research over the other. Much as Congress would never instruct the NIH to cure cancer, but only in a certain manner, we shouldn't dictate the kind of stem cell research scientists should and should not practice. This bill requires the Secretary of HHS to conduct research into so-

called alternative therapies. But these therapies do not currently exist and their development would shift scarce research dollars away from embryonic research.

If Senator SANTORUM and President Bush truly believe that it's morally superior to discard single cells in a freezer rather than to use them to help millions of Americans with Parkinson's, Alzheimer's, and diabetes, then they should have the guts to say so without another sham bill for political cover.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. I am under no illusion that this bill will contribute significantly to the advancement of stem cell research.

As a Member of the Science committee, I am committed to the advancement of science. I believe we should explore creative initiatives and pursue sound research. By demonizing science, we only hurt ourselves and make it more likely that our country will fall behind other countries in the critically important fields of science, technology, and innovation.

The type of stem cells that this bill refers to are the most adaptable and unique of all of the stem cell varieties. As opposed to adult stem cells, which are limited to a genre, such as blood cells or bone cells, pluripotent stem cells can be eventually developed into any bodily tissue. But they cannot themselves develop into a human being. The possibilities, and medical miracles, are literally limitless, and only restricted by time and by funding.

The pluripotent stem cells were derived using non-Federal funds from early-stage embryos donated voluntarily by couples undergoing fertility treatment in an in vitro fertilization (IVF) clinic or from non-living fetuses obtained from terminated first trimester pregnancies. Informed consent was obtained from the donors in both cases. Women voluntarily donating fetal tissue for research did so only after making the decision to terminate the pregnancy.

Those who would argue against pluripotent stem cells usually approach the topic through one of the following three questions:

1. Do the pluripotent cells have a moral status on their own? In other words, are they considered entities that must be protected?

2. Is it unethical to derive pluripotent cells from fetal tissue?

3. Is it unethical to create human embryonic blastocysts in order to create these pluripotent cells?

Unfortunately, however, this simple little bill and its companion, which we are also discussing today, do not weigh the consequences of any of these valid policy discussions. Instead, it does little to advance the very serious and promising area of scientific research that is reflected in H.R. 810; this research is supported by a majority of this House, and hopefully will be reaffirmed by this House later this week.

This bill only encourages research that does not discard, destroy, or knowingly harm a human fetus, which is consistent with current scientific research practices anyway. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

I am not opposed to this bill, although it does not further scientific research. I strongly urge my colleagues to vote in favor of science, scientific research, and the promise of scientific advancement later this week.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2754.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 3504, by the yeas and nays.

S. 2754, by the yeas and nays.

H. Res. 498, by the yeas and nays.

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

FETUS FARMING PROHIBITION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3504.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3504, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 379]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Carter
Davis (FL)
Davis (IL)
Evans
Kennedy (RI)
McKinney
Northup
Rothman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1835

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

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate 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. CARTER. Mr. Speaker, I was off the Capitol Hill complex when votes were called and was stuck in traffic, which caused me to miss the first vote. Had I been present, I would have voted ''yea.''

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2754.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2754, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 273, nays 154, not voting 6, as follows:

[Roll No. 380]

YEAS—273

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Clyburn
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—154

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Coble
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (FL)
Davis (IL)
Evans
McKinney
Northup
Rothman

□ 1844

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

REMEMBERING HELEN SEWELL

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

Mr. HASTERT. Ladies and gentlemen, for us on the Republican side of the aisle, it is a sad day today. We have lost Helen Sewell. Helen served in the Republican cloakroom for over 70 years. She was a person who was always happy, always met any special needs that people had.

She starting serving in the House in the cloakroom with her father. She started working when she was in junior high. She was a very sweet lady. She was there all the time. Whether it was late at night, early in the morning, Helen was there with her hot dogs and tuna fish sandwich, and always a little hot sauce or relish if people wanted that. She loved working in the cloakroom and working for the people and serving the people that came to see her almost on a daily basis.

When people like Gerald Ford or George Bush, Sr., or DICK CHENEY would come by, they would always make sure that they took some time and conversed with her and greeted, kibitzed, a bit in the cloakroom.

Some of her favorite Members include Henry Cabot Lodge and Claire Booth Luce, so Members know she went back a long, long time in this country's history.

We will miss her. We thank the Lord for her service here, and I would just like to take a minute in remembrance.

Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF SCHOOL BUS SAFETY WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 498.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 498, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 381]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Davis (FL)
Davis (IL)
Evans
McKinney
Northup
Payne
Rothman
Thomas

□ 1859

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF REVISED EDITION OF POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 108) authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Ms. MILLENDER-McDONALD. Mr. Speaker, I reserve the right to object. I shall not object, but I will yield to the gentleman from Michigan to further explain his request.

Mr. EHLERS. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 108, authorizing the printing of a revised edition of a pocket version of the United States Constitution and other publications. This concurrent resolution not only reauthorizes the printing of the pocket size Constitution, but also the publication ''Our Flag.'' These congressional publications are favorites among Members to distribute to their constituents who visit them both here and in the Nation's Capitol and back at home in their district.

And I can say that not only do Members enjoy distributing them, because we have such a respect and love for the Constitution, but I do have to tell you that students, citizens, teachers, also love to receive these pocket editions. And I urge them to emphasize to them what a fantastic thing it is that a pocket-sized version of a document has served this Nation so well for so many years that it has led to the longest lasting democratic government in the history of this planet.

In addition, this resolution authorizes for the first time the printing of a history of the U.S. Botanic Garden. This book offers a comprehensive history of the garden and will further help its mission of educating the American public on environmental sciences.

With that, Mr. Speaker, I ask for support of this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving my right to

object, I would like to now join the chairman and urge the House to adopt this printing resolution. The two publications to be reprinted, ''Our Flag'' and the pocket edition of the U.S. Constitution, are very popular with the American people, especially teachers and students.

I know when I go to my schools, our students really enjoy these two very fine publications telling them about their flag and about the Constitution in an abbreviated form.

So the supplies, Mr. Speaker, of both have been exhausted, and with Constitution Day approaching on September 17, now is an ideal time to replenish our supplies.

The resolution also provides for printing of a new publication about the U.S. Botanic Gardens.

Mr. Speaker, I remove my reservation, and I urge all Members to support the resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 108

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 2. OUR FLAG.

(a) IN GENERAL.—The 2006 revised edition of the publication entitled ''Our Flag'' shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $215,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 3. A BOTANIC GARDEN FOR THE NATION.

(a) IN GENERAL.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled ''A Botanic Garden for the Nation'', prepared by the United States Botanic Gardens.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate and 1,470 for the use the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than $102,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ISRAEL'S RIGHT TO DEFEND ITSELF

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the conflict between Hezbollah, the infamous Lebanese-based terrorist group, and Israel is nothing new.

But over the weekend Hezbollah has upped the ante. They have kidnapped Israeli soldiers and launched countless rocket attacks against Israeli civilians.

With the support of Iran and Syria, Hezbollah is heavily armed and ready for an all-out war.

Obviously, this issue is not new. In 1990 the peace treaty that ended the hostilities in Lebanon called on the Lebanese Government to deploy its army along the border with Israel. This has not been done.

In 2004, the United Nations called on Lebanon to disarm Hezbollah. Once again, this has not been done.

With this in mind, Israel not only has the right to defend itself against terrorist acts; it has the responsibility to do so. Allowing Hezbollah to terrorize Israel without fear of reprisal would be tantamount to appeasement.

Throughout history, this strategy has repeatedly proven itself a failure.

MOURNING THE PASSING OF ARKANSAS LT. GOVERNOR WIN ROCKEFELLER

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

Mr. BOOZMAN. Mr. Speaker, I rise with my colleagues from Arkansas today. The State of Arkansas has lost one of its greatest citizens and role models this week. Lieutenant Governor Win Rockefeller dedicated his life to public service and to the people of our State.

As Lieutenant Governor, Governor Rockefeller focused on economic development, education and literacy. Let me give you just an example of the many great contributions that Lieutenant Governor Rockefeller made, not just as an elected official, but as a citizen. The Lieutenant Governor created a program called ''Books in the Attic'' where Boy Scouts collected used children's books to distribute to needy families. This was a little thing, but Lieutenant Governor Rockefeller was always willing to use his resources to do good, but more importantly he wanted to get other people involved in doing good as well.

The passing of Lieutenant Governor Rockefeller is a great loss for the State of Arkansas. We will all be grateful that he chose to make Arkansas his home. Our hearts and prayers go out to his family and friends who loved him so much.

HONORING WIN ROCKEFELLER

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

Mr. BERRY. Mr. Speaker, I rise today with my colleagues from the Arkansas congressional delegation to recognize a man whose generosity and dedication transformed so many communities across our State. I have met few men with such an enthusiasm for service and will miss his leadership greatly.

Win Paul Rockefeller displayed one of his favorite quotes on a plaque outside his home. The quote comes from Micah 6:8 and says: ''And what doth the Lord require of thee, but to do justly, to love mercy and to walk humbly with thy God?'' I can think of no better way to honor a man with so many accomplishments and a great appreciation for the people of Arkansas. He was indeed a good man.

HONORING WIN ROCKEFELLER

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

Mr. SNYDER. Mr. Speaker, until the day he died last Sunday, Lieutenant Governor Win Rockefeller cared deeply about his family, did all he could for Arkansas, and loved America.

My wife was formerly his associate pastor for 7 years at Pulaski Heights Methodist Church, and she shared with me today a couple of her favorite stories about Win. She said that here he was, one of America's richest men. When he was with the youth program as a father, as a member of the church, rather than fly up to Colorado and meet the youth group, he climbed on the bus as a chaperone and took the 16-hour ride with all the kids and teenagers up to Colorado on the ski trip.

She also related to me when she left at the end of her 7 years at Pulaski Heights Methodist Church and was

going through a lot of changes in her life, that the church had two different receptions which he attended to show his support and affection and concern for her.

Lieutenant Governor Rockefeller was a genuine, caring man. Our thoughts are with his wonderful children and family.

WINTHROP PAUL ROCKEFELLER

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

Mr. ROSS. Mr. Speaker, I, along with my colleagues from Arkansas, all four of us, rise this evening to remember the life of our Lieutenant Governor, Winthrop Paul Rockefeller. This is a sad day for Arkansas and for Arkansans.

As a State Senator in the Arkansas legislature, I had the privilege to serve with Lieutenant Governor Win Rockefeller for nearly 5 years. In presiding over the State senate, I can remember that he was always fair and ruled without political bias.

I had the distinct pleasure to know him personally as a result of our work together in the State senate. And I can tell you he was a generous man. He was an unassuming man. He was a family man. I can tell you, Mr. Speaker, that he loved the State of Arkansas and its people.

The people of Arkansas will deeply miss his leadership and his vision, his vision to make our State a better place for all of us.

His family is in my prayers during this difficult time.

THE DIFFICULT, UNENVIABLE PLIGHT OF ISRAEL

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

Mr. PRICE of Georgia. Mr. Speaker, can you imagine having thousands of enemy rockets rain down on American soil, on American cities? How threatened would we feel?

This is exactly what Israel is facing today again. The recent, unprovoked attacks on Israel are deplorable. They are made all the more concerning because of the commendable unilateral Israeli withdrawal from southern Lebanon in 2000, which vividly demonstrated their desire for peace.

With United Nations Resolution 1559, Lebanon was charged with controlling their southern territory and disarming Hezbollah. The world should seize the opportunity now to assist and finally accomplish 1559.

America must strongly support Israel's right of self-defense while, at the same time, working to strengthen the democratically elected government in Lebanon.

I am encouraged by the unanimity of Egypt, Saudi Arabia and Jordan in condemning the action of Iran and the actions of Hezbollah.

The war on terror is truly a global war, and the civilized world must condemn these attacks and strive to work together to end the scourge of terrorist violence.

BRING AMERICANS HOME FROM LEBANON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it spells relief that the 10 students from the Mickey Leland Kibbutz program have now begun to leave Israel and to come home. They had a wonderful experience, but they were in the midst of one the rising conflicts in a region that needs the full attention of this administration.

My first request is for Americans to have the confidence in America, and for America to extend itself on behalf of those who need to be rescued from Lebanon. How can we watch European countries send ship after ship, and we are begging at the shores to be allowed to leave Lebanon?

What more pain can Americans experience? And who can expect an American to have confidence in their government when you are asking them to sign a piece of paper to pay to save their lives? Did they do that when they were fleeing from Vietnam when North Vietnam was taking over South Vietnam?

It is time to bring resolution. And the President was right: let's talk to Syria. Let's have Hezbollah stand down. Let's have a cease-fire. Let's have the soldiers of Israel return.

And, yes, they have a right to defend. But we, as a world power, have a right and responsibility to engage and bring about a resolution in the conflict in the Mid East.

REMEMBERING HELEN SEWELL

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

Mr. BURTON of Indiana. Mr. Speaker, the Speaker of the House came down to the floor just a few minutes ago and talked about Helen, who worked in the Cloakroom for probably 40 or 50 years and told about what a wonderful lady she was. I don't want to be redundant, but I want to say that there are an awful lot of people that serve in this body that the people of America never see that make it so worthwhile and so important to be here. Helen was one of those people. She was so nice to every Member of Congress. She treated us all like family.

She served with many Presidents, from Richard Nixon, John F. Kennedy. All of those guys, regardless of party, liked Helen. They all had pictures with her, and she kept them back there in the Cloakroom and was very proud of each and every picture she had with Presidents. And they all admired her. As the Speaker said, they all came to visit her when they came to the Capitol.

Let me just say that Helen was one of the most wonderful people that I ever met, and I haven't had many occasions since I have been here to feel a little weak in the knees when something happens; but when I heard that Helen died today, I felt a little pain in the knees because she was such a wonderful person.

So to Helen's family, if they happen to be paying attention to this, Mr. Speaker, we send our deepest sympathy because she was one of the finest people that I ever met, and she is surely going to be missed by everybody in the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO LIBERIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–125)

The SPEAKER pro tempore (Mr. WESTMORELAND) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on July 21, 2005 (70 FR 41935).

The actions and policies of former Liberian President Charles Taylor and his close associates, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and

prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 18, 2006*.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUN AMENDMENTS TO SCIENCE, COMMERCE, JUSTICE, STATE APPROPRIATIONS

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. Mr. Speaker, this body's war on common sense continues.

Before the Independence Day recess, the House approved two amendments to the Science, Commerce, Justice, State Appropriations bill that promote irresponsible gun ownership and discourage police departments from working together to solve gun crimes. Last year the House passed legislation that would make sure that gun locks are included with all handgun sales. Last month the House stripped away that provision.

Gun safety locks can save lives. I agree with the proponents of these measures that most gun owners are responsible and store their guns safely and securely. I am not worried about these gun owners. Many responsible gun owners already voluntarily equip their guns with safety locks. Gun locks are needed to prevent accidents with the minority of gun owners who are not responsible. And while the pro-gun lobby does not like to talk about it, yes, there are irresponsible gun owners out there.

Last month in New Jersey an 11-year-old found his grandfather's gun and killed his 12-year-old best friend. A gun lock that you can purchase online for less than $7 would have prevented this tragedy. According to the CDC, 151 children died of accidental shotgun wounds in 2003. Mandatory gun locks would have saved some of those children's lives.

Gun locks prevent stolen guns from being used in crimes. Opponents of mandatory gun locks cite that the cost of gun locks prevent gun ownership. That is truly nonsense. This is like saying the added cost of air bags and seat belts prevent people from buying cars. And, again, trigger locks are relatively inexpensive. Seven dollars could save a child's life. Mr. Speaker, is a $7 gunlock really infringing on second amendment rights? Of course not.

I wish I could say that the amendment stripping away the gunlock provision was the only nonsensical amendment to the Department of Justice appropriations bill, but it was not. Once again, this bill would have made felons out of law enforcement officials who share ATF gun tracing information with police departments in other jurisdictions.

The ATF's gun-tracing program helps local police solve gun crimes by analyzing the unique marks made on bullets and cartridge cases when guns are fired. The images of these markings can be compared with other images in more than 200 Federal, State, and local law enforcement laboratories. But this appropriation bill would have made it a crime, a crime, for a police department to share information from the database with another department.

Say a police department in my district on Long Island obtains ballistic information from the ATF and a similar shooting occurs in New York City. The Long Island department could not share that information. In fact, an officer who did share this information would be arrested. This is absolutely insane.

Instead of cracking down on criminals using guns, this provision would treat police officers like criminals. To paraphrase my friend, Mayor Bloomberg of New York, it is a godawful bill.

Again, some Members of this body put their allegiance to the NRA above common sense. The tracing program provides law enforcement agencies with valuable information about gun trafficking that can prevent crimes from happening. Tracing helps the public identify gun dealers and traffickers who are supplying illegal guns in our communities. But this provision would prevent the use of trace data as evidence in any State or Federal court or any nonATF administrative procedure. This provision cuts local law enforcement out of the loop. Without this tracing data, local law enforcement officers will not be able to pursue gun suppliers that have been implicated in crimes without the ATF's getting involved first. And we all know the ATF does not have the resources to get involved in every civil issue regarding gun crimes.

We let our police departments go after taverns that serve underage drinkers, but Congress will not allow them to crack down on the 1 percent, 1 percent, of dealers in this country who sell guns involved in 57 percent of the crimes.

Mr. Speaker, it is time for common sense. I hope the other body and the eventual conferees who will determine the final version of this appropriation bill will exercise more common sense than the House did last month.

Mr. Speaker, I have been here 10 years. I have never put any legislation forward that would take away the right of someone to own a gun. I am here for gun safety issues. I am here to save lives. I am here to keep down medical costs. I am here to protect our communities. We can do better. And we can with commonsense laws.

JUSTICE FOR ASHTON GLOVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, ''humorous,'' ''outgoing,'' ''warm-hearted,'' ''devout.''

These are a few words to describe 16-year-old Ashton Glover, words that came instantly to those who knew her best and loved her.

Ashton had the world at her fingers. She was entering Clements High School for her final year and then wanted to attend Texas A&M University to become a veterinarian. She was born in Lufkin, Texas, and she was proud of her country roots, and she held on to them. She now lived in the small town of Sugar Land, Texas, outside of Houston.

She was a self-described tomboy. Ashton proudly held an officer position with the Future Farmers of America, and she preferred the outdoors and being among nature.

Ashton was a devout Christian. When not with the First Colony Church of Christ Youth Group, she was always willing to help those less fortunate or those in need. She was always there to provide advice to friends or give a simple hug to those in pain. She thought her mission on Earth was to help people.

A room instantly illuminated with Ashton's presence. Those who knew her stated they were the lucky ones. They were able to share in everything that Ashton was.

Those who knew her, however, did not know that two other students, with hearts full of malice and souls fatally bent on mischief, were plotting to steal the life of Ashton.

On July 7 Ashton met up with two 18-year-old students to go ''mudding.'' As you know, Mr. Speaker, that is something we do in the South, driving trucks through muddy fields. It was the type of activity that appealed to this fun-loving girl.

Little did Ashton know that these two scoundrels had no plans to go ''mudding'' with her. Their sinister intentions were not revealed until it was too late for her to escape. They took Ashton to a dark, deserted construction site, away from the security of Sugar Land, Texas. Away from those who loved her. Away from the safety of her home. And they executed her gangland style.

No reason. No argument. No justification. Just what one murderer called ''a morbid curiosity'' to see what would happen, to see what she looked like when we shot her in the back of the head.

These two teenage terrors, feeling no remorse or human compassion, left Ashton to die there in the heap of garbage while they went over to IHOP for breakfast.

Mr. Speaker, there is something evil and cold about people who kill someone and then go and have a hearty breakfast.

After they were through eating their pancakes, they came back and buried her in a shallow grave. They went home and slept off the night's atrocity, while her family had nightmares of where Ashton was.

When Ashton's body was located by police, the outlaws decided to run in the darkness of the night. They fled north to Canada, but they did not run fast enough or hard enough. They were caught at the U.S.-Canadian border after police typed their names into the national criminal database.

This tragic and unspeakable crime hits close to my heart. As a father of four and grandfather of five, no father wants to lose a child in the fullness of youth. As a former prosecutor and judge, I believe in justice. And there must be justice, Mr. Speaker.

Justice for a young girl who had a full and rewarding life ahead of her, who was murdered just so a couple of cowardly cunning criminals could see what it looked like to kill somebody, when a young girl took her last gasping breath. There must be justice for her family and her friends who must now endure life without her.

These two killers must also get some justice, Mr. Speaker. Justice is getting what one deserves. These teens will no doubt cry and whine for mercy, but justice must rule the day. Justice for these two demons who brutally executed a young Ashton and extinguished a bright light in this world.

Some individuals will now argue that these two 18-year-olds should be treated with compassion because of their age. Mr. Speaker, these two killers were macho enough to violently end the life of a young girl just to see the results. They should be macho enough to accept the punishment in the penitentiary, where they belong.

Victims should not be discriminated against based upon the age of the offender. As King Solomon was once quoted as saying, ''Justice will only be achieved when those who are not injured by crime feel as indignant as those who are.''

And, Mr. Speaker, that's just the way it is.

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.)

MILITARY READINESS

Mr. SKELTON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Mr. Speaker, I want to contrast two statements for you to set the stage on what we are dealing with regarding the United States Army.

''Help is on the way.'' That is what President Bush said to our military during the 2000 campaign when they were in pretty good shape.

And ''No.'' That is what General Schoomaker, the chief of staff of the Army, answered when I asked him if he was comfortable with the readiness levels of the nondeployed Army units here in the United States.

Let me put it in very clear terms. Our Army is in a crisis. Our forces are fighting valiantly in Iraq and Afghanistan. But the strain of that continued effort has put our preparedness to deter or to fight somewhere else, if we must, at strategic risk. The crises in North Korea, Iran, the Middle East, show how quickly things can change and how they can go wrong. We must be prepared. And right now the Army is not.

President Bush, during the 2000 campaign, strongly criticized the Clinton administration because two divisions were below their appropriate readiness ratings. He said, ''If called upon by the Commander in Chief today, two entire divisions of the Army would have to report 'not ready for duty, sir.' ''

Today nearly every combat brigade located within the United States would report that they are not ready for duty. They are at the lowest levels of readiness.

Most nondeployed units in the active Army are reporting that they are not able to complete the expected wartime missions. The exact numbers, of course, are classified. Army readiness for units not in Iraq has steadily declined and has fallen to levels that will limit our ability to project ground forces.

Every nondeployed National Guard combat brigade in the Army is reported at the lowest level of readiness. Forty percent of the Army's ground equipment is deployed to Iraq and Afghanistan. The army has depleted its prepositioned overseas war stocks of equipment. The Army is so strapped for equipment, they are planning on downloading prepositioned ships loaded with combat equipment to help fill shortages.

Mr. Speaker, the Army has lost over 1,000 wheeled vehicles, over 100 armored vehicles, and 100 helicopters since the start of the war in Iraq.

□ 1930

Guard units in the U.S. are suffering severe equipment shortages which will affect their ability to respond to emergencies in their home States, such as Katrina.

Equipment readiness is suffering as the priority for repair, parts and equipment is only toward the combat theater. The Army is now having a crisis funding its installations at home because of poor planning and the lack of support from the administration. The recent supplemental funding resolution increased the installation budgets by $722 million, but the Army is still short $530 million to meet minimum support levels through the remainder of the fiscal year.

Each installation is being forced to find ways to cut their operating budgets. These cuts are affecting vital training and family support, which further degrades the Army's readiness posture.

Over $290 billion has been spent in Iraq, with no end in sight. The Army requested more money in the recent supplemental, but the President's Office of Management and Budget cut $4.9 billion from the Army's request for the 2006 war supplemental before sending it over here to Congress.

During the 2000 election, the current administration told our military, help is on the way. That is clearly not the case. The administration has failed to request the funds needed for the defense of this Nation. We must give the Army what it needs. The Army will need sustained funds, $17.5 billion this year alone, to start getting well. We cannot shortchange them. We must provide a new direction for the Army, with sustained equipment and manpower, so that we can project power to protect America, wherever and whenever necessary. That is exactly what we must be prepared to do.

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.)

THE SCOURGE OF UNDERAGE DRINKING

Mr. OSBORNE. Mr. Speaker, I request to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. WESTMORELAND). Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. OSBORNE. Mr. Speaker, underage drinking flies under the radar screen most of the time, and I guess the reason for that is that alcohol is legal and is widely accepted. The average age 12- to 17-year-olds begin drinking is 12.7 years of age.

The Center for Disease Control and Prevention estimated the number of underage deaths due to excessive alcohol use is roughly 4,554 a year. In other words, in one year we lose more young people to underage drinking than we have lost in Iraq in 3 years. The death rate is six times higher for underage drinking.

Another death rate that is six times higher is alcohol kills six times more young people than all other drugs combined: heroin, cocaine, methamphetamine, marijuana. Six times more die from underage drinking.

Teens who start drinking before the age of 15 are four times more likely to

become addicted to alcohol than someone who starts drinking at age 21. Yet the Federal Government spends about 25 times more annually to combat youth drug use than to prevent underage alcohol use. In other words, we spend $1.8 billion on combating heroin, cocaine, methamphetamine, marijuana, compared to $71 million for underage drinking.

Most people know that alcohol is a gateway drug. It leads to all of these other drugs directly, and it appears to be much more fatal and more dangerous when you look at the raw numbers.

Television ads for alcohol products outnumber responsibility messages by 32 to 1. In other words, you will see 32 ads promoting alcohol, and many of those ads are very attractive to young people, for every one that talks about responsible use of alcohol. From 2001 to 2003, the alcohol industry spent $2.5 billion on television advertising their product, and only $27 million on responsibility programs.

Underage drinkers currently account for 17 percent of all alcohol sales in the United States; and in my State, Nebraska, underage drinkers consume 25 percent of the alcohol sold.

Young people tend to binge drink. They do not drink socially. Ninety-two percent of the alcohol consumed by 12- to 14-year-olds is consumed when they are having five or more drinks in a row, which is called binge drinking, or, more often, drinking to get drunk.

Recent studies have found that heavy exposure of the adolescent brain to alcohol interferes with brain development. We will take a look at this poster. On the right is a young person 15 years of age who abstains from alcohol, who was asked to do a comprehensive memory test. On the left is a young person who is a binge drinker who is sober at the time and asked to do the same test. You see the amount of cortical activity, the amount of brain activity firing in the young person who is an abstainer compared to the one who uses and abuses alcohol.

So there is quite a difference in this regard, and I would present a hypothesis of mine and that is that a great many young people who drop out, a great number of young people who do very poorly in school are affected dramatically by alcohol, binge drinking, and alcohol abuse.

There are a couple of other things on this poster that I think are worthy of note. There are roughly 3 million teenagers who today are full-blown alcoholics. Alcohol, as we mentioned, kills about six times more people than all other drugs combined. The total cost of underage drinking to the country is $53 billion a year. $53 billion a year. It is a huge expenditure.

Mr. Speaker, we have introduced legislation, Congresswoman ROYBAL-ALLARD, Congressman WAMP, Congressman WOLF and Congresswoman DELAURO, and Senators DEWINE and DODD have introduced the Sober Truth on Prevention of Underage Drinking, the STOP Act, which would, number one, create a Federal agency coordinating all of the Federal programs aimed at underage drinking. Right now we have underage drinking programs spread across 12 agencies. They are not coordinated. Sometimes they duplicate each other and are not very effective. So we would want those coordinated.

Secondly, it authorizes a national media campaign directed at adults. The number one indicator of whether a young person will use alcohol and abuse alcohol is parental attitudes. So many parents really believe the myth if a young person is using alcohol, then they will not use marijuana, they will not use cocaine, they will not use heroin, when exactly the opposite is true. Because anymore, a person that abuses one substance will abuse another, and alcohol usually leads to further abuse.

The Sober Truth on Preventing Underage Drinking Act, STOP Act, would:

Create a Federal Interagency Coordinating Committee to coordinate the efforts and expertise across agencies for underage drinking;

Authorizes a national media campaign directed at adults;

Parents are the number one influence on underage drinking;

Parents & friends purchase 65 percent.

Provide additional resources to communities and colleges and universities to prevent underage drinking;

1,700 college students die each year

70,000 rapes or sexual assaults

Increases Federal research and data collection on underage drinking.

So we hope that we can have support for this act. We think it is important, and we urge its passage.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROBLEMS WITH HOUSE OFFSHORE DRILLING BILL

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, the offshore oil drilling legislation that passed the House last month has a lot of problems. One of its biggest failings is that the bill overrides and ignores the long-standing, bipartisan objection to new drilling off the California coast.

The people of California have repeatedly made it clear that they oppose this wrong-headed approach. In fact, opposition to this legislation is unanimous in California that even in the middle of a highly charged race for Governor, the Democrats and Republicans are on the same page on this one issue. State Treasurer Phil Angelides, a Democrat, opposes the House bill, pointing out that it would remove the critical protections for California's coastline and also financially punish States that decide to protect their environment and coastal economies by continuing to oppose offshore oil drilling.

The Republican Governor, Arnold Schwarzenegger, sent another letter to the Senate this week restating his opposition in no uncertain terms. In his newest letter, which I am submitting for the RECORD, he writes: ''Our coast is not for sale, and no amount of promises of money or other incentives will alter my position on that.''

Well, I am disappointed that so many Members of the House voted against California's interests last month. Our State's Senators have strong records of spelling for the people of California, so I am not concerned about them. But I do want to make sure that the Senators from around the country realize that any legislation that opens the California coast to drilling will be a non-starter in our State and should be rejected.

As the Governor wrote: ''Anything short of upholding the current moratorium in perpetuity would be unacceptable to Californians.'' Governor Schwarzenegger also wrote something very interesting: ''California has the most aggressive energy efficiency measures in the Nation. Because of our efforts, California's per capita energy use has remained nearly flat, while the nationwide energy use has increased by nearly 50 percent.''

What the Governor is telling the people of this Nation is that had you made the same choices that we made starting back in 1974 with the first fuel crisis, you would have been able to save a huge amount of energy in this country. While California has continued to grow, our per capita use has remained flat, and that is 50 percent better than the rest of the Nation. That means that not only do California consumers save a great deal of energy and they reduce the pollution to the atmosphere; they also save a great deal of money.

As the other body considers the legislation that was passed out of this House this last week, I hope they will remember that energy conservation and innovative alternative approaches will guarantee us far more energy independence in the future than the shortsighted House bill that will require the ruining of the coastlines of this great Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE ISSUE OF SAME-SEX MARRIAGE TO THE STATES

Mr. SHAYS. Mr. Speaker, I would like to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Speaker, today we debated a constitutional amendment drafted not to protect my marriage or my family, I see no reasonable way to argue it would, but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy. I believed back in 1996 when I voted for the Defense of Marriage Act and I still believe today the decision about whether to recognize gay marriage should be left to the States.

I can't help but wonder why we are doing this. What are we so afraid of? Gay men and women pass through our lives every day. They are wonderful teachers and leaders and role models who happen to be gay, and sometimes we don't even know they are gay. There are brave men and women buried in Arlington National Cemetery who happen to be gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in high school 40 years ago. I learned years later he was gay and that he had to commute from Connecticut to Washington, D.C. to be with his partner every weekend, in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day she told us that she, too, like my wife and I, had found the love of her life. We were eager to meet the boyfriend she was so madly in love with. But we soon learned her love was not a he, but a she. Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress when I worked with a magnificent young man named Carl Brown. He became my friend, and he gave me another gay face to know. Carl has since passed away from AIDS, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend, and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United States, which established our government, grants us free speech and gives all citizens the right to vote, should not be dishonored by this effort to write in discrimination. I am clearly sensitive to some of my colleagues' concerns about potential biblical and social implications of legalized same-sex marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set or reject such policy. That debate should happen in our State legislatures.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN NEEDS A NEW DIRECTION TO COMBAT TERRORISM

Ms. SOLIS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

There was no objection.

Ms. SOLIS. Mr. Speaker, I rise tonight because I believe that America needs a new direction to secure our country and combat terrorism. We need a new direction so our children and our children's children will live in a safer and more secure world.

On May 1, 2003, President Bush declared that Iraq is free, that major combat operations in Iraq have ended. Yet in more than 3 years since, our world has not become a safer place, and our military families continue to suffer. More than 130,000 U.S. troops are serving in Iraq and more than 10,500 members of the selected Reserves have been deployed more than three times. Ninety-seven percent of the National Guard combat and special operations battalions have been mobilized since September 11, 2001, and the average tour of duty for National Guard members is 342 days.

□ 1945

Two thousand five hundred fifty-three of our men and women have paid the ultimate price. That includes 11 members that I represent from East Los Angeles and the San Gabriel Valley: Private First Class Jose Casanova, age 23. Lance Corporal Manuel Ceniceors, age 23. Lance Corporal Francisco Martinez Flores, age 21. Sergeant First Class Kelly Bolor, age 38. Lance Corporal Benjamin Gonzalez, age 23. Corporal Jorge Gonzalez, age 20. Sergeant Atanacio Haro-Marin, age 27. Specialist Leroy Harris-Kelly, III, age 20. Corporal Stephen Johnson, age 24. Corporal Rudy Salas, age 20. And, lastly, Marine Corporal Carlos Arellano, age 22.

Another 10,327 have been injured, not including more than 8,500 who have been injured so badly that they cannot return to action. I strongly support our servicemen and women that have performed admirably under these very difficult conditions. These conditions have been worsened by the lack of needed supplies, and our men and women continue to serve without a plan to secure the peace.

Today, the Government Accountability Office testified that Congress had appropriated $430 billion to the Department of Defense for the global war on terror. According to the GAO, and I quote: ''Neither the DOD nor the Congress reliably know how much the war is costing Americans.''

The GAO also testified that the U.S. can expect to incur significant costs for an unspecified time in the future, requiring decision-makers to consider difficult trade-offs. As the Nation faces increasing long-range fiscal challenges, we have seen some of the trade-offs already.

Critical programs remain unfunded and underfunded by this administration, and our veterans and their families are the ones that are suffering. There are $3 billion worth of gaps in needed services for our Nation's veterans. The number of new veterans waiting for health care appointments at the VA, the Veterans Administration, has risen by 400 percent over the last 2 years.

Funding for Homeland Security is suffering too. And as a result, because of the administration's misguided policies, first responder grants have been slashed by 59 percent, and only 5 percent of containers entering the U.S. ports are screened, and there are 800 fewer border patrol agents than what was authorized in the 9/11 Commission Act.

Afghanistan is also suffering from the Bush administration's misguided policies. Secretary Rumsfeld wrote in a letter today that the United States maintains its strong commitment to Afghan's success. We look forward to continuing our strong partnership, he said.

Yet the people in Afghanistan are not feeling that commitment. Between November 2003 and April 2006, the number of insurgents has quadrupled from 5,000 to 20,000. The average number of daily attacks by insurgents has climbed by more than 70.

The Afghan Defense Minister recently stated that Afghanistan needs five times the number of security forces to address the issue of a resurgent Taliban. And without them, Afghanistan is in real danger of collapse. If his warnings were not enough, just today the Taliban recaptured two towns in the southern province of Pakistan's border.

Despite the increasing conflict in Afghanistan, despite the lack of a plan for peace in Iraq, despite the lack of accountability for government contracts, and despite the trade-offs on homeland security, important first responder programs, the administration wants the United States to stay the course.

I could not disagree more. War and military might alone does not show strength in foreign policy rooted in a

unilateral and preemptive action which does not achieve peace for Americans. America needs a new direction

Mr. Speaker, we must seize the moment and insist on a new direction for America so our children and our children's children will live in a safer and more secure environment.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

(Ms. HERSETH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

VIOLENCE IN THE MIDDLE EAST

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, today, again, the newspapers of our country tell the story of more organized killings, more death, more carnage, more bombings, more escalating violence in the Middle East.

There are photos in this newspaper of fathers and relatives crying in Lebanon, and below it, young people crying in Haifa, in Israel. We all read these stories and we say, why cannot the killing stop? I as just one Member of this Congress am very proud to represent a community that knows what it will take for the killing to stop.

Toledo, Ohio, in fact, was the first community in the United States of America to elect a mayor who was of American Lebanese heritage, Michael Damas, who is no longer living. You know, I am so proud of the people of my community.

Today they came to our office in Toledo and they said, Congresswoman, we have a statement that we would like you to consider. And I thought it was so thoughtful and even-handed that I wanted to read it to the American people tonight. They asked, of course, that Americans who are in Lebanon be removed safely, and they asked us to urge the President of our country to move them out quickly.

But then they wrote, ''We the American Lebanese Descent Community of Toledo request that the war and the bombing be suspended and our U.S. Government pursue peace and save lives in the region: Americans, Israelis, Palestinians, Lebanese and others. It is a simple statement. But I think it is a much more judicious statement than the President of our country made as part of the G–8 summit the other day when using a vulgarity. The President said at one point that Syria should get Hezbollah to stop its attacks on Israel.

His statement was not even-handed, it was not comprehensive, it did not talk about peace, it did not recognize the legitimate interests of the people of this country, the people of Israel, the people of Lebanon, the people of a future Palestinian.

His statement did not talk about limiting carnage, and the retribution that characterizes the deteriorating situation in Lebanon and in adjoining countries. I am very proud of the people of the greater Toledo area for understanding what it is going to take to create peace and to initiate peace.

I am very proud to sponsor today as well, a resolution submitted by Congressman KUCINICH of Cleveland that reads as follows. It calls upon our President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit the United States and our diplomats to multiparty negotiations with no preconditions.

And it calls upon the President to appeal to all of those sides, as the people in my community have done, for an immediate cessation of violence. Would it have not been great if President Bush, like President Reagan had done with Menachem Began when he served as Prime Minister of Israel, and asked for an immediate cessation of violence? That did not happen with President Bush.

This resolution of Mr. KUCINICH would commit the United States and our diplomatic efforts to multiparty negotiations without precondition. It would send high-level diplomatic missions to the region to facilitate such multiparty negotiations, and would include representatives from the Governments of Israel, Lebanon, Iran, Syria, Jordan, Egypt, the Palestinian Authority and it would support an international peacekeeping mission to southern Lebanon to prevent cross-border skirmishes during such multiparty negotiations.

Does that not sound like a much healthier way for the world to move? There will be many resolutions offered here this week. And I ask myself, will they be as judicious as the people of our community? Will they be as full-bodied? Will they be as even-handed? Will they have a peace process envisioned at the end of this horrible, horrible road?

Will they recognize the legitimate interests of all parties concerned? And will they seek to limit carnage, or will those resolutions continue to engender hate and further retribution?

Mr. Speaker, this is a critical time for the world, not just for our country, but for so many fragile nations who really need the time to heal and the time to let democracy develop.

Mr. Speaker, I hope, with those peace-loving people of our community that peace is just ahead.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JINDAL) is recognized for 5 minutes.

(Mr. JINDAL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening as I do each Tuesday evening that the United States House of Representatives is in session, I rise on behalf of the 37-Member-strong fiscally conservative Democratic Blue Dog Coalition.

As you walk the halls of Congress, as you walk the halls of the Cannon House Office Building, the Longworth House Office Building and the Rayburn House Office Building, it is easy to spot an office that belongs to one of the 37 Members of the fiscally conservative Democratic Blue Dog Coalition, because you will find this poster as a welcome mat by each door of a Blue Dog member.

As you can see, today the U.S. national debt is $8,419,147,820,878 and some change. Your share of the national debt, that is every living man, woman and child, including the children born today, every American citizen's share of the national debt is $28,134.

As Members of the Blue Dog Coalition, it is what we call the debt tax, d-e-b-t, and that is one tax that cannot go away until this Republican Congress and this administration gets our Nation's fiscal house in order.

Last week, the President made a big announcement about how the deficit really was not as bad as what his White House had first thought and reported it would be. I think the best way to sum up the events of last week can be found in an editorial, July 11, 2006, from the Los Angeles Times entitled ''Another Mission Accomplished,''

And I will not read the entire editorial, but I think it sets the stage for what we plan the spend the next hour discussing this evening. It starts off like this: ''The release of the White House mid-session budget review is an annual event normally marked by a few wonkish observations and the routine updating of various spreadsheets, not by a full-dressed Presidential dog-and-pony show. But President Bush plans to preside today with Members of Congress and invited guests in attendance. By all indications, including his own, in his weekly radio address last Saturday, he plans to turn this into a celebration just in time for the fall campaign.''

The editorial from the Los Angeles times dated July 11, 2006 continues. ''This is proof, if anyone still needs it, that this administration is desperate for something to boast about. On Mr. Bush's watch, triple-digit budget surpluses have turned into annual triple-digit budget deficits.

''There is no information in the mid-session report to alter that utterly dispiriting fact. Yes, the report is expected to project that this year's deficit will be somewhat less gargantuan than last year's, probably somewhere between $280 and $300 billion versus a $318 billion shortfall in 2005.''

And it concludes, that part of the editorial, by saying, ''That is not much to crow about.'' Well, they are right. Last week the administration released its mid-session review of the budget. And after further examination, let's take a closer look at what the report actually tells us.

The report actually tells us that what we have here is another record deficit. The administration's updated estimate of $296 billion deficit makes 2006 one of the four largest deficits in our Nation's history. It is hard now to believe that we had a balanced budget in this country from 1998 to 2001. But it did not take this administration and this Republican-led Congress very long to turn fiscal responsibility into record deficits.

□ 2000

As you can see, the largest deficit ever in our Nation's history occurred in 2004 when the Republicans controlled the White House, the House, and the Senate. It was $413 billion in red ink, in hot checks, if you will.

The year 2003 was the second largest deficit ever in our Nation's history, where, for the first time in over 50 years, the Republicans controlled the White House, the House and Senate, and they gave us the second largest deficit ever in our Nation's history, $378 billion.

The third largest record deficit ever in our Nation's history again occurred while the Republicans controlled the White House, the House, and the Senate. It was in 2005, and it was $318 billion deficit, the third largest deficit ever in our Nation's history.

Then this year, the President has a press conference, has a grand ceremony and event to announce that the deficit for fiscal year 2006 is only $296 billion, the fourth largest deficit ever in our Nation's history. I think the editorial in the Los Angeles Times had it right when it said that is not much to crow about.

The administration's updated estimate of $296 billion deficit, as I indicated, makes 2006 the fourth largest deficit ever in our Nation's history.

While this number represents an improvement over the 2005 deficit of $318 billion, it still ranks as the fourth largest deficit ever in our Nation's history. These revised estimates do not account for the extent of our budget problems, because they include in the calculation the annual surpluses in Social Security.

The first bill I filed as a Member of Congress when I got here in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. This Republican Congress refused to give me a hearing or a vote on that bill, and now we know why, because they are raiding the Social Security trust fund to fund tax cuts for those earning over $400,000 a year.

They are raiding the Social Security trust fund to fund this out-of-control deficit, this out-of-control debt, this reckless spending that we are seeing occurring in our Nation's capital and the way the Republican leadership is running our government and this country. In fact, when the Social Security surplus is excluded, as it should be, the 2006 deficit is not $296 billion; it is $473 billion.

Now, throughout the evening we are going to be talking more about this, including projected surpluses, and how they became huge deficits. I will talk more about that in a little bit, but I have been joined this evening by the cochair for policy for the Blue Dog Coalition, JIM COOPER from Tennessee. Glad to have you with us this evening.

Mr. COOPER. Thank you. I thank my good friend from Arkansas, and I appreciate your excellent summary of our fiscal situation.

Because Americans lead busy lives, we were happy to get a little bit of good news last week, or what we thought was good news. The President and the administration certainly built it up as if it was good news. I am glad that the deficit is looking a little smaller than the White House had predicted. That is good news, and I appreciate that.

But it is still very important for Americans to put that in perspective. As my friend from Arkansas points out, it is good news, and it is not the largest deficit in American history; it is only the fourth largest deficit in American history. So that is something to be grateful for.

But it reminded me a little bit of telling somebody, hey, the good news is your cancer is in remission. Well, that is good news. It is good news the cancer is in remission, but the bad news is you still have cancer.

What we are concerned about as Blue Dogs is not a temporary deficit. Sometimes the Nation has to run a temporary deficit. What we are concerned about are permanent structural deficits, deficits that grow beyond our possible ability to repay the debt, deficits that strangle economic growth, that prevent us from building a stronger country for our kids and grandkids.

We are worried about deficits that hurt the middle class, because as my friend from Arkansas mentioned, there is a $28,000 per citizen tax on everyone in America, man, woman or child. That is a lot of money to be born owing the country before you even have a chance to grow up or earn a living.

But I know there are some folks out there who are watching us, and they are saying, well, the Blue Dogs, they are only mentioning absolute deficit dollars. They are not putting it in perspective with gross domestic product. I would agree that is a percent of GDP; we should look at it that way too. You can say, well, this is not a percent of GDP, the largest or even the fourth largest deficit in American history.

But I brought along a document tonight that I hope everyone in the country will pay attention to. I first saw it when it was in the Wall Street Journal a few weeks ago. It is a document not from the Republican Party or the Democratic Party or anybody connected with politics. It is a document from one of the Nation's leading business organizations called Standard & Poor's. Now, they are a Wall Street outfit, but they are supposed to be the neutral judges of all the debt from all the corporations, and all the debt from all the countries, and all the debt from all the States and cities and towns in America and around the world, S&P, it is called, Standard & Poor's.

Well, they issued this document on June 6, 2006. To read this document, you wouldn't dream that any President of the United States could have a press conference a few weeks later championing good news. Because what Standard & Poor's says about America is this, it says that we are in such bad fiscal shape, and getting worse every year, that by the year 2012, which isn't that far away, it is just 5 or 6 years away, that America will lose its AAA credit rating for the first time in our modern history.

Now, American Treasury bonds, bills and notes are considered basically the gold standard of all debt instruments on the planet.

If you need to put your money in a safe and secure place and you want it to earn interest, Treasury bonds are safer than putting it in any bank as a deposit or putting it anywhere else, because they are backed by the full faith and credit of the United States Government.

There is no sounder financial instrument than the U.S. Treasury bond, and we should be proud of that.

But what Standard & Poor's is saying, as a result of the deficits my friend from Arkansas is talking about, in just 5 or 6 years, we will lose our AAA credit rating. Now that is not just like getting, say, an A minus instead of an A in class. What it means is higher interest payments.

It means that every time that America borrows money in the future, possibly forever, we will have to pay more for it. Because the good part about being a solid credit risk is that you pay the lowest possible rate of interest. You are able to borrow money cheap. But by losing our AAA credit rating, our interest rates are going up.

There is another bad part to this S&P report. Again, this is not a political report; this is from one of America's leading business organizations. It says that by the year 2020, which isn't that far away either, that our Treasury bonds will basically be junk bonds, or what they call below investment grade.

Now, that is such a far cry from our current AAA rating, the rating that U.S. bonds have had for all of modern American history; it is a literal tragedy to see America go from AAA ratings down to junk bond ratings in just a few short years as a result of the work of one administration, the current administration.

Because even though the current administration will be out of office in 2008, the impact of their fiscal policies stretches for decades beyond their time in office.

That is why this S&P report is so significant. They state carefully that it is not a prediction. They are hoping, and I suppose praying, that America will change course drastically from what we have seen from the current Republican administration.

But they do say that although it is not a prediction, it is a simulation of what will happen if we don't change course.

So it is a lot like that famous old ship, the *Titanic*. When they saw the iceberg in the distance, did they change course? No, they hit it head on.

Well, America still has a few short months and years to change course before we hit the iceberg that literally destroys America's credit rating and forces us to borrow money at much higher rates of interest, possibly for the rest of American history. That is permanent structural damage to our economy. Permanent structural deficits caused that damage that hurt the outlook for our kids and grandkids.

So I hope that people will go to the Internet, check out the Standard & Poor's Web site, look for this publication dated June 5, 2006, and check it out for yourself. Some of it is written in fairly technical business language. You will see that a number of nations face the problem that we do in America of an aging population. Some nations face it more severely than we do. But we are in such a fundamental imbalance that it is important to note that one of the primary causes for that imbalance is actually the crowning achievement of the Bush administration domestic policy.

They cite specifically the U.S. position has worsened since 2003 because of the new drug benefit added to Medicare, which increases estimated health care costs by nearly 2 percent of GDP annually by 2050 and accounts for one-quarter of the rise in spending on the elderly.

Now, we all want seniors to have medicine. Medicine needs to be affordable. But the Wall Street Journal pointed out in their editorial that in the Bush legislation that Congress passed and was signed into law that only $1 out of $16 by that bill would only actually buy medicine, only $1 out of every 16 would go for its intended purpose.

Mr. ROSS. The gentleman from Tennessee makes an excellent point about how we have gotten into this mess with these record deficits. This Republican Congress, this administration, gave us a so-called Medicare part D prescription drug plan. We all want our seniors to be able to have access and be able to afford the medicine that they so desperately need.

I thought that we were going to pass a bipartisan meaningful benefit for our seniors, but instead we passed a bill that was written by the big drug manufacturers. In fact, the chairman of the committee writing the bill at the time left the committee and took a multimillion dollar job as the head of PhRMA, the association in Washington D.C. that represents the big drug manufacturers.

Now, every State in America, through its Medicaid programming was negotiating with the drug manufacturers to reduce the cost that those States paid for the Medicaid program.

When this Medicare part D program became law, they shifted Medicare-eligible seniors that were poor enough to be on Medicaid away from Medicaid and on to Medicare and into a bill that actually has language in the legislation.

I thought this was going to be a bill to help our seniors with the high cost of medicine. But this legislation included language that said the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost of medicine. So we shifted that cost from the States and, more importantly, from the big drug manufacturers, because every manufacturer out there was giving rebates to the States to help offset the costs to the program and to a Federal program where the Federal Government is prohibited from negotiating with the big drug companies to bring down the high cost of medicine.

We are seeing, as a result of that, our seniors not really getting that good of a benefit, and yet it is a program that is causing these deficits to go up.

Mr. COOPER. Today's news revealed that that bait-and-switch provision that was in the Medicare drug bill would add $2 billion in additional profits to our drug companies this year.

□ 2015

Two billion, billion with a B as in boy, and that is all as a result of this sleight of hand that was engineered in part by the committee chairman who left public service to go almost immediately to represent special interests, and not just any special interests but the very drug manufacturers for whom he had just passed legislation.

Think of $2 billion extra profits in one year as a result of this technical switch with a lot of seniors from Medicaid to Medicare, from a program that could negotiate for lower prices to a program that cannot, by law, negotiate for better prices. It is outrageous, and some of the money in that horribly expensive bill has gone not to help seniors get more affordable medicine but to line the pockets of major drug companies.

We are all thankful for the life-saving discoveries they make. We are thankful for the research and development, but I am less thankful for the advertisement and TV ads where things

like that are not helping create new medicines. They are more trying to make money off people's illnesses, and there has got be a better way.

We live in the greatest country on Earth in the history of the world, and there has got to be a better way to do is this so we can live within our means, so we can treat everybody fairly, so we can build a stronger middle class, so we can be strong so we can be the world's only superpower. We are not living up to that potential today.

Mr. ROSS. Mr. Speaker, I thought we would go through a few other charts that we have here and talk a little bit more about this entire discussion about the projected surpluses becoming huge deficits.

When the administration took office in 2001, it had an advantage no administration in recent times has enjoyed, a 10-year projected surplus of $5.6 trillion. The administration has replaced that surplus with recurring deficits and a record debt.

When the cost of items omitted from the mid-session review are included, the deterioration in the budget between 2002 and 2011 is about $8.5 trillion. Although these numbers are more positive than the administration's February forecast, which some would argue they inflated again so they could boast now about not having the largest deficit in our Nation's history, but rather having the fourth largest deficit in our Nation's history, they unfortunately do not represent any significant improvement in the long-term budget picture.

Even the administration's 5-year forecast, which omits the cost of certain planned policies, never shows a deficit smaller than $123 billion. You can see here in 2000 we had a real, actual surplus of $236 billion. In 2001, we had a projected surplus of $281 billion, which in the end result ended up being $128 billion.

And then as you can see, when the Bush administration came here, surpluses were projected for year 2002 through 2006; but, instead, we got deficits, including four of the largest deficits ever in our Nation's history. This was a $610 billion swing from having the first balanced budget in 40 years to having the largest debt ever in our Nation's history and having the largest deficit ever in our Nation's history for 4 years in a row.

I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, we are, like all Americans, acutely aware of the terrible tragedy that happened on September 11, 2001. That changed the world, but we should not make the mistake of thinking that it gave us all these deficits because that claim, that belief would not be true. It hurt our economy temporarily, but we were already pulling out of a shallow recession, and we have not been in a recession since. So you cannot blame our overall economic condition for that.

What it is the result of, and again, do not take our word for it, read the reports from the Heritage Foundation, a conservative foundation think tank here in Washington; read the reports of the CATO Institute, a libertarian organization, and they will tell you, they will demonstrate to you that the Bush administration is the biggest-spending administration since at least Lyndon Baines Johnson and probably even way before LBJ.

It has nothing to do with defense or homeland security, budget needs that are really set more by our enemies than by ourselves. It has everything to do with a wasteful and mismanaged and sometimes incompetent government like we saw in Hurricane Katrina relief.

That is a waste of taxpayer money. That is a shame for everyone because no one wants to pay more taxes. We are not for more taxes. We want every tax dollar to be spent wisely so the taxpayers think their government is on their side instead of working against them, but we really have not been seeing that and especially with these deficits.

Adding these taxes to our kids and grandkids, a tax that can never be repealed, a debt tax as the gentleman so ably described it a while ago, is limiting our growth in future years. It is crippling America's future potential. As I showed with this S&P report, it is destroying America's credit rating, and yet the administration holds triumphant press conferences as if they are announcing good news.

A lot of folks think maybe we have been cured, but the cancer is still there, and we have got to get at that cancer.

Mr. ROSS. This administration has told us for 5½ years now that if you cut taxes on folks earning over $400,000 a year, I do not have a lot of folks in my district who earn that kind of money, but this administration, this Republican-led Congress, for 5½ years has been telling us about that trickle down business, that if you cut taxes on those earning over $400,000 a year, it will eventually trickle down to everyone else and stimulate the economy and bring in new revenues and, therefore, a stronger economy and a stronger government.

Well, as you can see here, the realistic estimate shows a bleak deficit outlook for those tax cuts for people earning over $400,000 a year. All they have gotten us is in the business whereas of today our Nation is borrowing $1 billion a year, 45 percent of which we are borrowing from places like China, Japan, Hong Kong and Korea and, oh, yeah, OPEC nations.

In fact, these tax cuts for folks earning over $400,000 a year, what they have gotten us is not only a record debt and record deficit and in the business of borrowing $1 billion a day. It has also resulted in our Nation spending a half a billion dollars every day simply paying interest on the debt we have already got.

Again, as Blue Dog members, fiscally conservative Democrats, we coined the phrase the ''debt tax,'' D-E-B-T, which is one tax that cannot be cut, cannot go away until we get our Nation's fiscal house in order.

As you can see, we had actual deficits back in the 1980s and the 1990s; and then in 1998, under the leadership of President Clinton, we popped into a surplus, first time a Democrat or Republican had done that in 40 years. We saw a surplus. We saw a balanced budget from 1998 through 2001, and then look what happened, and then tax cuts for those earning over $400,000 a year, and we started seeing record deficits.

This administration, this Republican-led Congress have given us four of the largest deficits ever, ever in our Nation's history. The administration's estimated future deficits failed to include the full cost of items on its agenda; and once likely costs are included, the deficit is never better than $229 billion for the foreseeable future.

The true state of the budget is worse than the administration's forecast depicts because it omits certain costs. When realistic adjustments are made for omitted items, annual deficits never improve to better than $229 billion for any year over the next decade, and by 2016, the deficit grows to $444 billion.

I think it is important to note that the administration's new estimates for the war in Iraq and Afghanistan reflect a total of $110 billion for 2007, $60 billion more than the President's February budget. However, beyond 2008, the administration provides no further funding for these efforts. It is like the White House is telling us that everything will be rosy in Iraq, Afghanistan and all of our troops will be able to come home by 2008.

It is time for some truthful budgeting in our government. Based on a model presented by the Congressional Budget Office, CBO, costs for military operations in Iraq and Afghanistan could run as much as $371 billion over the next 10 years, from 2007 to 2016, and this calculation is likely conservative.

I have Middle East experts at the State Department telling me that we will be in a situation that is costing us billions of dollars in Iraq at least for 10 years, some believe for as much as 30 or 35 years; and yet this administration can look the American people in the eye with an honest look and an honest face and say that there is no reason to budget for the war beyond 2008.

It is time for this administration and this Republican-led Congress to be truthful with the American people and to give this government, to give the people of this country an honest budget.

The report also estimates that the President's plan to partially privatize Social Security will worsen the unified deficit by $721 billion over the next 10 years.

Finally, the report does not include the cost of addressing Medicare physician payments which must be addressed. A long-term fix could cost

from $127 billion to $275 billion over the next 10 years in the absence of other policy changes, another omission from the numbers presented to us in this mid-year report that the President presented last week.

I am also joined this evening by our cochair for communication with the 37-member strong fiscally conservative Democratic Blue Dog Coalition, and that is the gentleman from California (Mr. CARDOZA) who I yield to.

Mr. CARDOZA. Mr. Speaker, I would like to thank my colleague from Arkansas (Mr. ROSS). You have been so gracious to lead the Blue Dog effort here on Tuesday nights for several weeks now, and I consider it an act of patriotism what you are doing here because, truly, it is something that the American people must know, and it is what we will do to strengthen our country and our fiscal order if we can simply pass half of the accountability measures that the Blue Dogs have put in place, the 12-step Blue Dog program that I am sure you have talked about tonight because you have talked about it so many times on the floor. Hopefully, the American people are listening and the Congress is listening that we must, in fact, bring accountability to our government.

As you said, the Blue Dogs have been fighting for greater accountability in Washington for over 10 years now. We have argued for a return of pay-as-you-go budgeting to balance our budget. And as I said, we offer a 12-step reform plan to cure our Nation's addiction to deficit spending.

We have argued that all earmarks should require written justification from a Member of Congress before being considered, and now the Blue Dogs have authored and endorsed two bills that strike at the heart of this administration's mismanagement and its fiscal mismanagement of our government.

We have introduced the Blue Dog accountability package, and one is a bill that I authored which requires the reconfirmation of any Cabinet official whose agency cannot produce a clean audit for 2 consecutive years.

The second piece of legislation, written by our colleague from Tennessee (Mr. TANNER) requires an oversight hearing 60 days after the Inspector General reports waste, fraud and abuse above $1 million in any Federal Department.

I would like our audience tonight to consider these facts: in 2004, the Federal Government spent $25 billion of everyone's tax dollars, yours, mine and everyone else who pays taxes in America, $25 billion that it cannot account for.

□ 2030

Now, Mr. ROSS, you and I, when we write a check out of our account, we have a check stub. But for some reason the Federal Government has lost $25 billion in check stubs. They are our tax dollars.

That same year, 2004, only six of the 63 Pentagon departments were able to produce a clean audit, about 10 percent.

For 2005, the General Accounting Office reports that 19 of the 24 Federal agencies can't produce a clean audit or fully explain how they have spent our taxpayer dollars.

In March of 2005, the Veterans Affairs Inspector General issued a report calling for agency information systems to be upgraded for security purposes. As you probably know, no action was taken; and since that time, the personal information of millions of our veterans has been stolen or lost, putting millions of our veterans' personal information and virtually their financial history in jeopardy.

Mr. ROSS. Will the gentleman yield?

Mr. CARDOZA. Certainly.

Mr. ROSS. Actually, my office received a call today from the GAO, and I have got some good news. We have been saying, I have been saying, that the GAO reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. I am here to correct that. The GAO convinced me today that that statement is not true. Here is what they tell me is true: that the GAO reports that 18 of 24, not 19; 18 of 24 major Federal agencies have such bad financial systems that they don't even know the true cost of running some of their programs. I don't really see the difference, one sounds about as bad as the other to me, but the good news is we no longer have 19 of 24 major Federal agencies that can't produce a clean audit. Instead, we have 18 of 24 major Federal agencies that have such bad financial systems that they don't even know the true cost of running some of their programs.

And yet Republican leaders in this Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of taxpayer dollars for the same programs. And that is why I am so proud of our 37-member strong, fiscally conservative Democratic Blue Dog Coalition for coming forward, not just to criticize the Republican leadership on this. You can bet we are going to hold them accountable. But we are going to do much more than that.

We have offered up a bill, it is led by one of the founders of our Blue Dog Coalition, Mr. TANNER of Tennessee, and you have been discussing that bill in your comments tonight, and I appreciate you doing that. It is about accountability, and it is about restoring some common sense and accountability to our government.

And with that I will yield back to the gentleman from California.

Mr. CARDOZA. I thank the gentleman for the correction. I am not sure that 18 out of 24 is a whole lot better than 19 out of 24. Maybe they got one of the little departments to come into compliance. I think the year before I think it was 16 out of 24 or 23. So it is sort of like the Bush deficit numbers. You inflate them one year so you can show improvement the next. It boggles my mind that they can't find $25 billion in check stubs. You would think that they would be able to do that. But I guess when they think it is not their money, they are not so worried about it. But I have got to tell you, I am worried about it, and I know you are, Mr. ROSS, because when we lose the confidence of the American people for our voluntary tax system that we have, and when people don't think that their money is going to be used the correct way, I think this Nation is in serious, serious trouble.

Mr. ROSS. I share your concern because we have been sent here. We have been sent here by the people to be their representatives. And part of being their representatives is to ensure that their tax money is being accounted for and being spent in a meaningful way and in a way that we would deem responsible.

It kind of reminds me growing up at that little country Methodist church just outside of Prescott in Hope, Arkansas, Midway United Methodist Church. I still try to get back there every year for homecoming. My parents still go there. My mom still plays the piano there.

And growing up there at Midway United Methodist Church, every Sunday I heard the preacher talk about being a good steward. Being a good steward. And I think that the American people have sent us here and expect us to be good stewards of their tax money and make sure that it is being accounted for and make sure that it is being spent in a responsible way, a way that will help lift people up, a way that will invest in their children and their education and their future. And that is why I am so very concerned about this.

That is why we are pleased to offer up a 12-point plan for budget reform, to cure our Nation's addiction to deficit spending. That is why, as Blue Dog members, we are pleased to offer up this accountability plan under the leadership of Mr. TANNER, one of the founders of the Blue Dogs, and that is why I am so pleased to be a part of your legislation, Mr. CARDOZA, another part of our Blue Dog package, to basically tell Cabinet-level agencies that Mr. Secretary, Madam Secretary, if you can't produce a clean audit, then you have got to go back to the Senate and have a reconfirmation hearing.

And there is another bill that you have got that I am real proud of, and that is, again, about being good stewards, about the public trust that is being placed in us to come here and to represent the people from back home. They place a lot of trust in us. And when we violate that trust, when we break the laws that we helped write as Members of Congress, we shouldn't be held to the same standards as every other citizen in this country. We should be held to a much greater standard. And we should have to serve even

longer prison terms and have even bigger fines than everyone else, because if we are going to come here and violate the public trust and break the laws that we helped write, we should be held to an even more strict standard.

And I am proud of the bill that we have on that. And I will yield to the gentleman from California to describe that piece of legislation

Mr. CARDOZA. I thank the gentleman. And in fact I will describe it. But before I do, I just want to say one thing. You know, you talked about your growing up in rural Arkansas. I grew up in rural California. My grandparents were all Portuguese immigrants. They all naturalized, became legal citizens, proudest day of their lives was when they got their citizenship papers. And they imbued in me and my parents, who couldn't speak English when they were growing up, a sense of duty and responsibility. And you did the right thing.

I will never forget my grandmother, she wasn't so excited when I got into politics because she said, you know, DENNIS, that is a dirty game sometimes. And if you are going to get in that business, you just make sure you do the right thing.

And when I introduced the legislation that you described, it is really holding us to a higher standard. And the legislation says that if you break the public trust and you enrich yourself while you are standing here in the Halls of Congress that you would have to serve the time that you would get convicted for fraud or for all the other kinds of things that you can do to get put in jail, but you would have to serve a sentence enhancement for two additional years because you broke the public trust, the trust that the people gave you when you signed up to run for this office.

And I hold that sentiment very strongly, that that is something that we should all stand up and be held accountable to a higher standard if we are going to take the oath of office. So I thank you for raising that issue and that I could talk about my bill tonight.

I want to also tell you that the work that we are doing with regard to oversight and demanding that this Congress do oversight, that is one of the fundamental jobs of Members of Congress, to hold hearings and to examine where our tax dollars are going. And we simply, as a Congress, are not doing that anymore. It is part of the problem with having one-party government that there is nobody to hold it accountable. And we can't get the power of the subpoena to go in there and look and see what is going on. And we need to examine the books. We need to audit the books in a more effective way. We need Mr. TANNER's bill that says if the Inspector General finds fraud and abuse, that we will, in fact, do a hearing in the Halls of Congress. And I see you putting up a poster.

Mr. ROSS. You have been there.

Mr. CARDOZA. I have been there. We went together, and we saw, talk about waste, fraud and abuse. What we could do for $1 billion in this country is just amazing. We can educate so many kids, send our kids to college. We can do so much good for $1 billion. And here we are looking at about a half a billion dollars. You tell the story, Mr. ROSS, because this is in your district. You took me down there. We did some uncovering of some waste, fraud and abuse.

And I will yield back to the gentleman from Arkansas.

Mr. ROSS. I just want to quickly make the point as I do every Tuesday and I am going to as long as these things are still down there. But the reason that we have House Resolution 841 by Mr. TANNER and those of us in the Blue Dog Coalition, this is a bill about accountability and about holding agencies accountable. This is why we need legislation to restore accountability within our government.

I don't know how good you can see this, Mr. Speaker, but this is the airport in Hope, Arkansas. Hope used to be known for something else. Now we are known for the trailer houses, mobile homes, manufactured homes. As you can see, this is an active runway at the Hope Airport. And these are old World War II proving ground runways that are no longer being used. So FEMA decides they are going to go out and buy about 20,000 brand-new, fully furnished, microwaves built in, whirlpool tubs built in. We have been in them. We have seen them.

Mr. CARDOZA. Jacuzzi tubs. It is amazing.

Mr. ROSS. I don't know if they are Jacuzzi brand but they are whirlpool.

Mr. CARDOZA. That is what we call them where I come from, even though that might not be the brand.

Mr. ROSS. They are fully furnished, 16-foot wide, 60-foot long mobile homes, about a half a billion dollars worth of them. And they are parked here at the airport in Hope, Arkansas. Except the theory was they were going to bring them in and then take them to the storm victims from Hurricane Katrina. We are coming up on the first anniversary of Hurricane Katrina and Hurricane Rita. And so the theory was that they were going to be coming in and then going out. This would be a FEMA staging area.

Well, they all came and never went. And as a result, they quickly filled up these old World War II-era proving ground runways and started parking them just in the hay meadow. I mean, just literally on the pasture.

And then the Inspector General noted that with the rains they were going to start sinking this past spring. Lord knows, we would love to have rain now. It is awful hot and dry in Arkansas.

But FEMA's response was not to get the homes to the people who need them. FEMA's response was to spend 4 to $7 million putting gravel on 200 acres of hay meadow pasture land at the Hope Airport to keep these mobile homes from sinking.

The bottom line is, if you can't really get a good look at it there, if you have ever wondered what 9,959 mobile homes look like, that is what it looks like. At one time we had 10,777. We finally have got it down to 9,959. But this is a better look of what it looks like. I mean, there is a fence, barbed wire fence and pasture. They are just sitting there on the areas. Here, as you can see, 16-foot wide, 60-foot long, mobile homes; 9,959 of them sitting there at the airport in Hope, Arkansas, 450 miles from the eye of Hurricane Katrina nearly a year after the storm.

Now, FEMA buys these for victims of Hurricane Katrina; and then FEMA says, well, we are not going to put them in a flood plain. Well, everybody that lost their home and their housing in Hurricane Katrina, they loss it because they lived in a flood plain.

It is time to restore some common sense to FEMA, and it is time to find a good use, a responsible use of these 9,959 mobile homes that are simply parked there at the airport in Hope, Arkansas, an example of mismanagement by a Federal agency. Example of mismanagement by the Federal Emergency Management Agency. An example of why we need to restore accountability in our government. And I am not going to let up on this until every single one of these mobile homes that taxpayers have paid for, about $400 billion worth, are put to good use.

They are not serving anybody any purpose. They are not doing anyone any good sitting in a hay meadow at the Hope Airport in Hope, Arkansas.

This is a symbol of what is wrong with this administration. This is a symbol of what is wrong with this Republican-led Congress. It is a symbol of what is wrong with the Federal Emergency Management Agency.

I yield back to the gentleman from California.

Mr. CARDOZA. The gentleman is absolutely right. And it is interesting that so many of our Departments are run this way. But the Office of the Inspector General for the Department of Homeland Security Department, which FEMA is part of, was quoted recently as saying: ''Unfortunately, the Department had made little or no progress to improve its overall financial reporting during the whole fiscal year of 2005.'' And KPMG accounting firm was unable to even provide an opinion on the Department's balance sheet because the books were in such bad shape.

Another example is the Inspector General for NASA, in its 2005 financial statement said: ''In the enclosed report of independent auditors, Ernest & Young disclaimed an opinion on NASA's financial statements for the fiscal year ended September 30, 2005.''

□ 2045

The disclaimer resulted from NASA's inability to provide Ernst & Young with auditable financial statements and sufficient evidence to support the financial statements'' that they did

have ''throughout the fiscal year and at year end.''

Basically it is what we were talking about earlier. The Federal Government is writing checks and does not even keep its check stubs. They cannot find $25 billion of our taxpayers' money, and then they want to spend more of it. And it is just a crying shame that we cannot do a better job, and it is a crying shame that we are not doing the accounting and the investigative hearings and the oversight hearings that is the job of this Congress. It is an abdication of our duty as Members of Congress, and it is an indication that we need to change the one-party system that we have got going on here because we need to audit the books. It is just a basic fundamental necessity of running a good government. And what it means is that we have gone, like that chart you showed, from a situation where when we had a Democratic President, we were actually paying off the national debt, and now we are going in the wrong direction. We are going into a deep trough, and I see the slide that you have put up now. This is what the resulting action is. First of all, we are not able to do what we need to do for education, send our kids to college, do all the things that we need to do proactively to prepare our country for the next century, but we are having to do instead what you are about ready to talk about, Mr. ROSS.

Mr. ROSS. Since President Bush took office, the amount of foreign-held Treasury debt has more than doubled, increasing from $1 trillion to $2.1 trillion, meaning that this administration has already accrued more foreign debt than the previous 42 Presidents combined.

Let me repeat that. This President and this Republican-led Congress has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined.

As you can see here in 2001, the amount of money borrowed from foreign central banks and from foreign investors was $988 billion. That was troubling enough. In 2006, we are up to $2.66 trillion that has been borrowed from foreigners. Unlike deficits in earlier years, current deficits have been primarily financed by foreign investors with the rise in foreign-held debt equaling three-fourths the increase in publicly-held debt since the start of the current administration in 2001.

This rise in foreign-held debt is troubling because it makes our economy beholden to foreign creditors and represents another financial burden passed on to future generations. Foreign-held debt is fundamentally different from domestically-held debt, since the interest payments on foreign-held debt flow outside the United States of America and reduce Americans' standard of living.

The cost of servicing foreign-held debt is high. Local, State, and Federal Government interest rates to foreign investors totaled $114 billion in 2005, an amount that will grow rapidly if the Treasury continues to sell debt to foreign investors at the current rate. Compare this to only $23 billion in foreign holdings in 1993. Today, the debt, the foreign-held debt, is $2.1 trillion.

And just like David Letterman, I have got a ''top ten list.'' The top ten current lenders, again, our government is borrowing $1 billion a day. We keep passing tax cuts for those earning over $400,000 a year. And where does the money come from? We have got record deficits. Where is the money coming from to give tax cuts to those earning over $400,000 a year?

Here is the top ten: Japan, our Nation has borrowed $640.1 billion from Japan; China, $321.4 billion.

Mr. CARDOZA. Is that Communist China, Mr. ROSS?

Mr. ROSS. Yes.

Mr. CARDOZA. I thought it was.

Mr. ROSS. That would be Red China, Communist China. Our Nation has borrowed $321.4 billion from China to fund tax cuts for folks earning over $400,000 a year at home, leaving our children and grandchildren to foot the bill. That may be a tax cut for the wealthiest people in this country now, but it is nothing more than a tax increase on our children and our grandchildren.

The United Kingdom, $179.5 billion. OPEC, imagine that one, OPEC, our Nation has borrowed $98 billion from OPEC. And we wonder why gasoline is approaching $3 a gallon.

Korea, $72.4 billion; Taiwan, $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And get a load of this, rounding off the top ten: Our Nation has borrowed $40.1 billion from Mexico to fund this reckless spending, these record deficits and this record debt given to us by this Republican Congress and this administration.

Now, as members of the Blue Dog Coalition, why do we raise this issue? We have got just a few minutes left here. We raise it because our Nation is borrowing $1 billion a day. Never mind that. On top of that, we are spending a half billion dollars a day paying interest on the debt we have already got. That is a half billion dollars a day that cannot go for education, cannot go for health care, cannot go for infrastructure improvements. It has got to go to service the debt. It has got to pay back these foreign countries, these foreign central banks and foreign investors that are funding these record debts and record deficits in this country.

In fact, as you can see here, like interest payments on a family's credit card, every dollar spent on the national debt is a dollar that does not educate a child, build a road, or keep the Nation secure. Because of recent record deficits, the government's annual interest payment is the fastest growing category of Federal spending over the next 5 years and has posted double-digit percentage growth for the past 2 years. Interest payments dwarf spending on most national priorities such as homeland security, education, and veterans health care. By 2011 annual interest payments under the administration's proposed budget will grow to $302 billion, a 38 percent increase from the current level. As you can see here, the amount of money we are spending in billions of dollars simply paying interest on the national debt, this is the amount of money going to pay interest on the national debt. This is the amount of money being spent to educate our children. This is the amount of money going for homeland security to keep America secure. And this is the amount of money going to keep our promises to our veterans. America's priorities are not being met because of this Republican Congress' reckless fiscal mess.

It is time to put an end to these record debts and record deficits. It is time to restore some common sense and fiscal discipline to our Nation's government.

Mr. Speaker, if you have any comments, questions, or concerns about what we have been discussing in the past hour, you can e-mail us, Mr. Speaker, at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

I want to thank the gentleman from California for joining me this evening.

As we are out of time, I want to leave you with how we started. When we started this hour, I pointed out the national debt was $8,419,147,820,878 and that every living soul in America's share was $28,134.

Just in the hour that we have been discussing trying to restore some common sense and fiscal discipline to our Nation's government, this number, our Nation's debt has gone up another $41 million, roughly another $41.666 million.

As members of the 37-member strong fiscally conservative Democratic Blue Dog Coalition, we come to this floor of the United States House of Representatives every Tuesday night to talk about restoring accountability and fiscal discipline to our Nation's government. We are going to hold the Republican leadership accountable for the reckless spending and the lack of accountability, but we are also going to offer up commonsense solutions to fix these problems, to ensure that we leave this country just a little bit better than we found it for the next generation.

Does the gentleman from California have any closing thoughts?

Mr. CARDOZA. I would just like to say thanks to the gentleman from Arkansas for hosting this once again. We are going to make fiscal responsibility a priority for this Congress. It is a shame that we have not spent more time this year dealing with these matters. Hopefully, we will have some oversight hearings.

Thank you for conducting this, and I just say we will continue to work on it.

STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, I am happy to be here this evening as the designee of the majority leader talking about something that is hugely, hugely important that we debated on the floor of this House just an hour, maybe a couple of hours ago. And, Mr. Speaker, I am referring, of course, to the issue of stem cell research.

And just to kind of set the record straight, Mr. Speaker, I think my colleagues know that my prior profession was that of a physician, in particular as an OB–GYN doctor, a pro-life OB–GYN practicing in my home State of Georgia for 26 years.

And the President, before I was elected to the Congress in August of 2001, Mr. Speaker, made a very careful, thought-out and prayerful decision in regard to the issue of the utilization of embryonic stem cells for medical research in hopes of providing someday a cure for some of the devastating diseases that we have seen in public service announcements on television. And God rest his soul, I remember when the actor Christopher Reeve was talking about the suffering and his malady. And, of course, there are other conditions such as Alzheimer's and Parkinson's and Type 1 diabetes and things like that. And we do hope and every Member in this body hopes on both sides of the aisle, and the other body as well, that someday we can have our medical research scientists, doctors, develop an ability to treat some of these chronic, devastating diseases. Spinal cord injury certainly is another.

But the President made this decision because people were asking that we take so-called extra embryos from fertility clinics that couples were not going to use. Maybe they had already achieved a pregnancy or several pregnancies and they had completed their family, and yet because of egg retrieval and in vitro fertilization, there were these embryos that they owned, that belonged to them, that were frozen in case they may, indeed, need them at some point in the future. Some couples, of course, would decide that their family was complete and maybe never utilize these frozen embryos. And there was a great push on the President to say, well, look, these are just extra. They are going to be thrown away anyway. The couples have already said they do not want them and they are willing to donate them to research.

And the research we are talking about, Mr. Speaker, is the ability to take those embryos and obtain from them something that we refer to as a stem cell and, by definition, an embryonic stem cell. But to do that, as the President so clearly understood, these embryos were being destroyed. Although it is not an exactly accurate description, Mr. Speaker, but you may say you just put these embryos in a blender and you churn them up and you centrifuge and at some point you are able to obtain these stem cells from the embryo that have a potential in cell culture, when stimulated in a certain way, to grow into really any tissue of the body.

□ 2100

There are three different germ cell layers. But in essence, if you needed cardiac muscle in somebody who, let's say had a heart attack, and you could go these embryonic stem cells and make them become heart muscle, maybe you could repair that scar on a person's heart. Or if you could stimulate these cells to become nerve tissue, maybe indeed you could help a little child overcome the paralysis of spina bifida, or someone with a spinal cord injury like a very fine Member of this House that suffered a spinal cord injury as a teenager, maybe you can do that.

The President recognized that. But basically what he said to the American people in August of 2001, shortly before 9/11, is we are not going to allow taxpayer dollars to be used for research on embryonic stem cells if it results in the destruction of human life, the destruction of one life, maybe a near perfect life if you allow it to continue to live, in the hopes that you can, in destroying it, take these beginning cells that we call stem cells from the embryo and help somebody else.

Well, the President basically said, Mr. Speaker, and I agreed with him then and I agree with him wholeheartedly today as a pro-life physician and a pro-life Member of this body, there was too much collateral damage. In this instance the collateral damage was the death of that embryo, that little baby, if you will. We call them fetuses, embryo, fetus, but really it is just a little baby.

Today at a press conference, and they have been on the Hill before, but it was so poignant to me, Mr. Speaker, to see some of these so-called snowflake babies, these little embryos from these fertility clinics, these so-called extras.

Well, lo and behold, almost 100 couples were aware of the availability and asked some of these parents who owned those embryos, they were their children and they had the right to throw them away or donate them, offer them up for adoption, and some infertile couples, many of whom we saw today, Mr. Speaker, at this press conference, legally adopted these so-called throwaway, extra, nobody-wants-them embryos.

In two instances, they resulted in twins, identical twins. I saw 3-year-old boys, beautiful boys and 2-year-old identical twin girls, two different couples of these almost 100 moms and dads who have adopted these so-called throwaway embryos.

Mr. Speaker, those two sets of twins that me and some of my colleagues on both sides of the aisle saw today at this press conference, they could have been in that blender churned up so that their stem cells would have been obtained in hopes of helping somebody else. These precious lives would not exist today.

This President has got a great heart and great compassion and great morality, and he was absolutely right to say we will fund with taxpayer dollars through our National Institutes of Health and our great scientists, we will fund research programs on stem cells, even embryonic stem cells, but not if it means we have got to kill some little baby in harvesting these cells.

Well, the President was right. But last year in this body a couple of our Members sponsored a bill, one from both sides of the aisle, two well-respected Members, I have great respect for both of them, and Members in the other body wanted to bring this back up and felt that because the American public, after watching all of these public service announcements that tug at your heartstrings, felt that, well, you know, why not? You are just going to throw away those embryos.

Of course, these public service announcements didn't talk about the snowflake babies, the children that we saw today. If they had known that, if the public knew that, if they were fully aware of it, then all these polling numbers that we hear, Mr. Speaker, that say, oh, the public wants this, the public demands this, and therefore we have this bill last year, the so-called Castle-DeGette bill, H.R. 810, I believe is the number, and it passes this body. It passes this body with support on both sides of the aisle, but with more Democrats supporting it than Republicans. But, in any regard, it passes.

Now, today the bill passes the Senate. I think they thought they were going to roll the table over there, Mr. Speaker. It barely got the number of votes that it needed, 63, where they require that supermajority in the other body.

So this bill is going to go to the President. It is going to go to the President. It is probably already on his desk, or maybe it will be there tomorrow, and he is going to be expected to vote yea or nay on that bill.

Well, not only do I hope and pray, I have every confidence that this President will stand by his convictions, as he always has, Mr. Speaker, whether we are talking about fighting the Global War on Terrorism or protecting the sanctity of human life, and this President will veto that bill, as well he should.

Now, one of the main purposes of me wanting to speak tonight about values, and there is hardly anything more important in this body that we attend to than the values of this great Nation that we are so privileged to be a part of, we have another bill. We have a bill that was voted on in this body today, and it required by the rules of procedure a two-thirds vote here, and it did

not quite get it today. It did not quite reach that two-thirds majority for passage. But I want to just kind of talk about the bill a little bit and make sure my colleagues fully understand.

I hope there was no confusion about this alternate bill, because really what the bill does, Mr. Speaker, as you well know, it is an opportunity to obtain these same embryonic stem cells without destroying or even harming human life. I as a physician know that it can be done. In fact, it is occurring in nature. I will describe that in just a minute.

My colleague who really drafted the original bill, ROSCOE BARTLETT, the gentleman from Maryland, this became the Senator Santorum bill, which was a companion bill, I commend the Senator from Pennsylvania, a great prolife, traditional, family value member in the Senate, for introducing it.

Mr. Speaker, that bill in the Senate today, it didn't pass with 63 votes like the H.R. 810 Castle-DeGette bill did. The vote was 100–0. I don't even know how many days you are going to have 100 members. That is 100 percent of that body present. It is hard at any time to have 100 percent of the membership present, what with family emergencies and things like that.

But today there were 100, the whole body was there, and a 100–0 vote in support of Senator SANTORUM, Representative BARTLETT's bill, that would fund research, would let taxpayer dollars go to grants to research ways of obtaining those embryonic and other stem cells without harming or destroying human life.

Now, it passed. That bill passed here in the House of Representatives this afternoon, but it was just a little bit short of the two-thirds that it needed. We will bring that bill back to this floor, Mr. Speaker, tomorrow, and it will pass, and it will pass with bipartisan support, and it will pass with a wide majority. A great plurality of the 435 Members of this body will support this bill. Two-thirds? No, but darn close to it.

It will go to the President and the President will have an opportunity then to say to the American people, you know, I have got these two pieces of legislation here. They both seek the same result. Each bill wants to give us an opportunity to put money behind research so that we can obtain these embryonic and adult stem cells so we can help people like the late great Christopher Reeve and Michael J. Fox, a person who we all know who is suffering from parkinsonism, but, more importantly, the folks back home, our constituents, our families, our moms, our dads, our grandparents, the child I see in church every Sunday who is suffering from a spinal condition, probably spina bifida.

We know that we can put money behind research in either one of these two bills, the Castle-DeGette bill, H.R. 810, I think it is, or the Santorum-Bartlett bill.

But, Mr. Speaker, the difference, there is a huge difference in the two bills. As I told my colleagues on the floor today, the difference is in the collateral damage. In the Bartlett-Santorum bill, it allows this research to be able to obtain stem cells maybe from an embryo by a biopsy without harming the fetus, or the Castle-DeGette bill, where you do it the easy way. You just kind of take the embryo and you churn it up and centrifuge off the stem cells.

I heard someone on the floor today say that, well, you know, we know that method, the blender method, if you will, where we destroy human life in obtaining the embryonic stem cells. It is easy. It is proven. We can do it. There is no problem. Why should we go through another step or two and go to the trouble and the expense? And, oh, by the way, it may take a year or two before we know for sure that it works. Why don't we just go ahead and do the expedient thing?

Goodness gracious, my colleagues, Mr. Speaker, the expedient thing results in the loss of life, and no snowflake embryos, no precious twins that we saw today. It is just not the right thing to do.

This President, thank God, has a good heart and a good soul and a good mind, and he knows that. And I think God has given him the wisdom to make the right decision in this case and resist the pressure and understand that the polling, many times when you ask the question, if people don't fully understand what I am trying to explain to my colleagues tonight, and anyone that might be listening at home, that when you look at it and understand what I am saying, and it is the absolute truth, what I am saying, I think the American people overwhelmingly would say, well, gee, you know, if we are going to get the same result and there is already good research going on with Federal funding, our tax dollars supporting research on adult stem cells and we are getting good results, all right.

In the private sector, Mr. Speaker, there is plenty of research going on in regard to embryonic stem cells, some of which are obtained from those fertility clinics with the destruction of human life. If private people want to do that, the State of California recently enacted legislation or had a statewide referendum that called for $3 billion in funding for embryonic stem cell research that does result in the death of the embryo, and that is fine. If they want to do that in California with their money, fine. If private companies want to do it, that is fine.

But to say to the American people, who I am sure I am correct in saying that more than 50 percent of them, certainly in my district in my State, in my hospital, are strongly pro-life, and to say to them, you know, we are going to take your money, your tax dollars, and we are going to put it and let NIH researchers or give grants to doctors, wherever, you know, I am not going to name names or places, but these higher institutes of learning, these ivory towers, they are great, we love them.

□ 2115

We are all for research. But not if it means that my money is going to fund something that results in yet another of the 40 million abortions that have occurred since Roe versus Wade in 1973.

Make no mistake about it. Every time you kill one of these embryos to obtain those stem cells in this manner, that is yet another abortion. So I am very much opposed to the Castle-DeGette bill and very much in favor, Mr. Speaker, of the Santorum-Bartlett bill.

As I say, I will in all probability have an opportunity to discuss the rule on the floor tomorrow. We will have another vote, and I will be very proud when my colleagues again on both sides of the aisle, there is no way this should be a partisan issue, really it is not. We will have the votes to do the right thing. I really look forward to that.

I wanted, Mr. Speaker, to take a little time to talk about another issue or two, that may come up as we refer this week to ''values week'' in the House of Representatives. Although we sometimes get criticized and people say, well, you know, you all are spending all of your time talking about values, and yet we have got a deficit and we have got a national debt and we need to fund this and we need to fund that, and, you know, your responsibilities, you are neglecting them as you concentrate on these value issues like the Marriage Protection Act, the Pledge of Allegiance Protection Act and this stem cell issue, I would say to those critics, and some of them were sitting in this Chamber earlier today, from my perspective, I was sent here to do more than just spend people's money.

Obviously we have to spend money, and we try to do it wisely. But the values of this country are just as important to me in my representation of those values, not just my district in Georgia, the 11th, or my State, but of this entire country, because we need to show the world that we are a country of strong moral values.

I think that that in itself will help us as much as anything in the Middle East, to let the rest of the world know that we have character in this country and we stand by these values. And so for us to spend time standing up for the sanctity of marriage is an example. I would say to my constituents and my colleagues, that is no waste of time. That is no waste of time at all.

The debate that we had on the floor today on this constitutional amendment resolution brought to us by the gentlewoman from Colorado (Mrs. MUSGRAVE), a champion really of this cause, and I commend her for her ethics both in this 109th Congress and the 108th Congress.

We fell a little short of the two-thirds vote we needed. They fell a little

short in the other body. But I will guarantee you the American people would not fall short on this issue. 88 percent of them in 45 States have already addressed this issue, and they cannot wait for this Congress with its two-thirds majority vote in both bodies to give them the opportunity to vote on this constitutional amendment, defining, defining marriage as a union between a man and a woman.

I just went over, Mr. Speaker, before we started the time and looked at the dictionary. It is right to my left as we come into the door, these hallowed halls. And you see Members looking at it all the time. This happens to be the Random House Webster's dictionary.

And listen to what they say about the definition of marriage. ''The social institution under which a man and a woman establish their decision to live as husband and wife by legal commitments and religious ceremony''.

That is what we are talking about. And when Members stand up and criticize and say, oh, well, what about Federalism and the power of the States? Well, the States regulate issues such as age of consent and consanguinity and the rules of civil procedure and inheritance, and that does not change at all.

But it just says that these activist judges, because of a constitutional amendment that I know one day soon we will pass, that the definition, the definition of marriage is that union between a man and a woman.

You know who benefits the most from that, Mr. Speaker? You know who benefits the most, my colleagues? It is the children of that marriage. And do not call me a bigot for my strong feeling that a child needs a mother and father. I feel very strongly about that. And this is not a racial issue. There is no hatred involved, certainly not in the heart of MARILYN MUSGRAVE, a great mom and wife.

The Members who really overwhelming support this. This is the right thing to do. And that is why we spend time in this body, precious time, yes, talking about our values. Our values in regard to the sanctity of life and the sanctity of marriage.

Finally, finally, Mr. Speaker, let me talk a little bit about the pledge of allegiance. You know, I believe it is the 9th District Court, we sometimes refer to it as the Left Coast, but that would be California for those of you who do not know to what I am referring.

For those judges to say that it is unconstitutional to have ''under God'' in the pledge of allegiance and make a decision, Federal District Court in the 9th District which includes California and the rest of the left coast, and to have that say that that is applicable to the entire United States.

No way. No way. And we are not going to have it. We are not going to have it. And we will be discussing and voting on a bill tomorrow that says to these activist judges, you keep your legal opinions away from our pledge of allegiance. And you have no authority whatsoever to speak in regard to that.

If some State court wants to do it, or some State supreme court wants to do it, and their citizens are happy with that, so be it. But not at the Federal level. I am going to tell you, if they did it in the State of Georgia we would throw the bums out. They may embrace them in California, but that is what makes this country great, you know. I mean, different strokes for different folks.

But we want to make absolutely sure that these activist Federal judges are not taking God out of our pledge of allegiance, and we will have that vote, we will have the discussion. We will have a good discussion and then we will have Members kind of go on record. Those votes will not be by voice vote, I can assure you of that, Mr. Speaker. They will be record votes, and I really, really look forward to that debate.

Mr. Speaker, I am going to conclude. I think we have a very important Rules Committee meeting coming up in a few minutes and I need to be at that noting.

But again, I wanted to thank the leadership. I want to thank my Speaker and my majority leader, our conference chairwoman, DEBORAH PRYCE for giving me the opportunity to come here tonight and spend 30 or 40 minutes talking about values and how important they are on our side of the aisle, and how important they are to the leadership.

Mr. Speaker, I think that they are important really to all Members in this chamber. They are good people, good hearts, men and women on both sides of the aisle. And I think sometimes, though, we have a tendency to lose our way. We have got a lot of pressure, a lot of interest groups, a lot of advocates, stakeholders wanting us to do certain things.

But I think if we stop and think, we do not get in too big a hurry, realize that we do not have to rush to destroy embryos, as an example. If we take our time, we can get the same result with no collateral damage. That is what it is all about. That is what values are all about.

So I am happy to have had this time to share my thoughts with my colleagues. I look forward to tomorrow, another day, when we will have some very, very significant value votes in this body. With that, I yield back.

RECESS

The SPEAKER pro tempore (Ms. MCMORRIS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2154

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 54 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2754, ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–578) on the resolution (H. Res. 924) providing for consideration of the Senate bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. KIND (at the request of Ms. PELOSI) for today before 3:00 p.m. on account of illness.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

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 Mrs. MCCARTHY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. JINDAL, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 24 and 25.

Mr. SHAYS, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 42. An act to ensure that the right of an individual to display the flay of the

United States on residential property not be abridged.

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8611. A letter from the Director, Regulatory Review Committee, Department of Agriculture, transmitting the Department's final rule — Revisions of Delegations of Authority (RIN: 0560-AH51) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8612. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Add Denmark to the List of Regions Free of Exotic Newcastle Disease [Docket No. 02-089-3] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8613. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry1A.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0554; FRL-8076-5] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8614. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry2Ab2 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0553; FRL-8076-6] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8615. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for the Department of Health and Human Services; (H. Doc. No. 109-123); to the Committee on Appropriations and ordered to be printed.

8616. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting Withdrawal of the request for a FY 2006 fully offset proposal to provide additional funds for the Information Technology Systems account within the Department of Veterans Affairs; (H. Doc. No. 109-124); to the Committee on Appropriations and ordered to be printed.

8617. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8618. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the sixteenth annual report on the Pentagon Renovation and Construction Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

8619. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Citizenship Documentation Requirements [CMS-2257-IFC] (RIN: 0938-AO51) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule [EPA-R08-OAR-2006-0009; FRL-8187-6] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — PM2.5 De Minimis Emission Levels for General Conformity Applicability [EPA-HQ-OAR-2004-0491; FRL-8197-4] (RIN: 2060-AN60) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Idaho [Docket # R10-OAR-2005-ID-0001; FRL-8191-6] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8623. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Update to Materials Incorporated by Reference [RI-44-1222c; FRL-8185-1] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8624. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; NSR in the Ozone Transport Region [EPA-R03-OAR-2005-VA-0015; FRL-8796-8] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton PM-10 Nonattainment Area to Attainment and Approval of the Maintenance Plan [EPA-R03-OAR-2005-0480; FRL-8197-1] received July 12, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indiana; Final Approval of State Underground Storage Tank Program [FRL-8195-8] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8627. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities [EPA-HQ-OAR-2002-0083; FRL-8196-6] (RIN: 2060-AE48) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8628. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits and Program; State of Missouri [EPA-R07-OAR-2005-MO-0005; FRL-8192-4] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8629. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [EPA-R07-OAR-2006-0476; FRL-8192-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8630. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Carbon Monoxide Maintenance Plan, Conformity Budgets, Emissions Inventories; State of New Jersey [Docket No. EPA-R02-OAR-2006-0342; FRL-8191-2] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8631. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2004-KY-0004-200610; FRL-8191-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8632. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi Prevention of Significant Deterioration and New Source Review [EPA-R04-OAR-2005-MS-0001-200612; FRL-8191-4] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8633. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-0548; FRL-8191-9] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8634. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Colorado; Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2006-0382; FRL-8193-2] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8635. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National

Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Maricopa County Air Quality Department; State of California; San Joaquin Valley Unified Air Pollution Control District; State of Nevada; Nevada Division of Environmental Protection [EPA-R09-OAR-2006-0496; FRL-8190-1] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8636. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [EPA-HQ-OAR-2003-0121; FRL-8190-5] (RIN: 2060-AM43) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8637. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Combustion Turbines [EPA-HQ-OAR-2004-0490; FRL-8033-4] (RIN: 2060-AM79) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8638. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2006-0127; FRL-8193-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8639. A letter from the Principal Deputy Assistant Administrator, Environmental Protetcion Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [EPA-HQ-OAR-2005-0029, FRL-8190-7] (RIN: 2060-AM82) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8640. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-06 informing of an intent to sign the Force Protection Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8641. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

8642. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan between May 25, 2006 and June 9, 2006, pursuant to 22 U.S.C. 3301; to the Committee on International Relations.

8643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the initial report as required by Section 6 of the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on International Relations.

8644. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Germany (Transmittal No. DDTC 035-06); to the Committee on International Relations.

8645. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8646. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8647. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8648. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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8650. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8651. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting the 2005 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8652. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2005 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8653. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2005 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8654. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8655. A letter from the Executive Director, National Credit Union Administration, transmitting a report on the Administration's category rating system, pursuant to 5 U.S.C. 3319; to the Committee on Government Reform.

8656. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8657. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8658. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8659. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Senior Executive Service Pay (RIN: 3206-AL01) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8660. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Veterans' Preference (RIN: 3206-AL00) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8661. A letter from the Director, Executive Services Staff, Social Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8662. A letter from the Deputy Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Grazing Administration — Exclusive of Alaska [WO-220-1020-24 1A] (RIN: 1004-AD42) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8663. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's designation of additional members of the Special Exposure Cohort of a class of employees from the Nevada Test Site in Mercury, Nevada, under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8664. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Pacific Proving Grounds, Enewetak Atoll to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8665. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the feasibility of Federal Drug Courts, pursuant to Section 753 of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. 109-177; to the Committee on the Judiciary.

8666. A letter from the Comptroller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ending February 28, 2006, pursuant to 36 U.S.C. 1102; to the Committee on the Judiciary.

8667. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-10; Introduction [Docket FAR-2006-0023] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

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. GINGREY: Committee on Rules. House Resolution 920. Resolution providing for consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance (Rept. 109–577). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 924. Resolution providing for consideration of the bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos (Rept. 109–578). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 5822. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 5823. A bill to amend certain provisions of the Federal Power Act added by the Energy Policy Act of 2005 relating to the use of eminent domain authority for the construction of electric power lines, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HART:

H.R. 5824. A bill to authorize the Secretary of Labor to award a grant to the Manchester Bidwell Corporation to improve, expand, and replicate the arts and technology education centers operated by such corporation; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico (for herself, Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. RENZI, Mrs. JOHNSON of Connecticut, Mr. EVERETT, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mr. GALLEGLY, and Mr. ISSA):

H.R. 5825. A bill to update the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. KENNEDY of Minnesota:

H.R. 5826. A bill to amend title 5, United States Code, to provide for greater flexibility in the number of levels of benefits that may be offered by certain health plans under chapter 89 of such title; to the Committee on Government Reform.

By Mr. BOEHNER:

H.R. 5827. A bill to make Celina, Ohio, eligible for certain rural development loans and grants; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 5828. A bill to amend the State Department Basic Authorities Act of 1956 to remove the reimbursement requirement for evacuation as a result of war, civil unrest, or natural disaster; to the Committee on International Relations.

By Mrs. MCCARTHY (for herself and Mr. LEWIS of Georgia):

H.R. 5829. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARCHANT, Ms. GRANGER, Mr. BARTON of Texas, Mr. BURGESS, Mr. EDWARDS, Mr. GOHMERT, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. SESSIONS):

H.R. 5830. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. BOEHNER (for himself, Mr. HYDE, and Mr. LANTOS):

H. Res. 921. A resolution condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself, and for other purposes; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LANTOS, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. ENGEL, and Mr. CROWLEY):

H. Res. 922. A resolution condemning cross-border terrorism against Israel by Hamas and Hezbollah and the complicity in these acts of terrorist aggression by Syria and Iran; to the Committee on International Relations.

By Mr. SHAW:

H. Res. 923. A resolution condemning the recent attacks against the State of Israel; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. TOWNS.

H.R. 450: Mr. MCCOTTER and Mr. MCGOVERN.

H.R. 500: Mr. SAM JOHNSON of Texas.

H.R. 947: Mr. MOORE of Kansas.

H.R. 998: Mr. COBLE.

H.R. 1002: Mrs. NAPOLITANO.

H.R. 1130: Mr. EDWARDS.

H.R. 1241: Mr. DOYLE.

H.R. 1366: Mr. WELDON of Florida and Mr. BONILLA.

H.R. 1372: Mr. BISHOP of Georgia.

H.R. 1384: Mr. NEUGEBAUER.

H.R. 1471: Mr. MICHAUD.

H.R. 1526: Mr. FARR.

H.R. 1558: Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, and Mr. GUTIERREZ.

H.R. 1704: Mr. BLUMENAUER and Mrs. DRAKE.

H.R. 1898: Mr. SCHWARZ of Michigan and Ms. ESHOO.

H.R. 1996: Mr. CASE.

H.R. 2421: Mr. TERRY.

H.R. 2429: Mr. MILLER of North Carolina.

H.R. 2561: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2568: Mr. SIMMONS and Mr. MCCOTTER.

H.R. 3137: Mr. JINDAL.

H.R. 3195: Ms. MILLENDER-MCDONALD and Mr. WAXMAN.

H.R. 3282: Mr. CAMPBELL of California.

H.R. 3352: Mr. HINCHEY.

H.R. 3427: Mr. WAXMAN.

H.R. 3641: Mr. PAYNE.

H.R. 3875: Mr. WELDON of Pennsylvania and Mr. RENZI.

H.R. 4188: Mr. MEEHAN.

H.R. 4236: Mr. SHUSTER.

H.R. 4264: Mr. ABERCROMBIE and Mr. HAYES.

H.R. 4366: Mr. MANZULLO.

H.R. 4491: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4537: Ms. LEE.

H.R. 4597: Mrs. MALONEY and Mr. YOUNG of Alaska.

H.R. 4710: Mr. GONZALEZ and Mr. MILLER of Florida.

H.R. 4771: Ms. BALDWIN.

H.R. 4910: Mr. UPTON and Mrs. MYRICK.

H.R. 4925: Ms. MCKINNEY.

H.R. 4953: Mr. KENNEDY of Minnesota, Mr. PETRI, and Mr. CONYERS.

H.R. 5005: Mr. NUSSLE, Mr. BISHOP of Utah, and Mr. NEUGEBAUER.

H.R. 5013: Mr. LATHAM and Mr. SAM JOHNSON of Texas.

H.R. 5022: Mr. UDALL of Colorado, Mr. MCCOTTER, Mr. BAIRD, Mr. GENE GREEN of Texas, Mr. REICHERT, Mr. WALSH, and Mr. SPRATT.

H.R. 5072: Mr. LEACH.

H.R. 5092: Mr. CAMPBELL of California, Mr. LATHAM, Mr. NUSSLE, and Mr. BISHOP of Utah.

H.R. 5100: Ms. BALDWIN and Mr. PETRI.

H.R. 5120: Mr. CLYBURN.

H.R. 5134: Mr. JINDAL and Mr. MARSHALL.

H.R. 5140: Mr. STARK.

H.R. 5167: Mr. LOBIONDO.

H.R. 5171: Mr. PITTS.

H.R. 5185: Mr. MORAN of Virginia.

H.R. 5206: Mr. CARDOZA, Mr. SCHWARZ of Michigan, and Ms. LORETTA SANCHEZ of California.

H.R. 5242: Mr. THORNBERRY.

H.R. 5339: Mr. PAYNE and Ms. KILPATRICK of Michigan.

H.R. 5381: Mr. NEAL of Massachusetts.

H.R. 5388: Ms. ESHOO.

H.R. 5453: Ms. HART.

H.R. 5455: Mr. BISHOP of Georgia.

H.R. 5465: Mr. ROTHMAN, Mr. BERMAN, and Mr. WELDON of Pennsylvania.

H.R. 5474: Mr. BROWN of South Carolina.

H.R. 5478: Mr. GILLMOR.

H.R. 5482: Ms. LORETTA SANCHEZ of California and Mr. FORD.

H.R. 5499: Mr. JEFFERSON.

H.R. 5535: Mr. PENCE.

H.R. 5588: Mrs. JONES of Ohio.

H.R. 5608: Mr. WAXMAN, Mr. DAVIS of Florida, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.

H.R. 5637: Mr. MANZULLO.

H.R. 5671: Mr. ETHERIDGE, Mr. MEEKS of New York, and Mr. JONES of North Carolina.

H.R. 5682: Mr. CULBERSON, Mr. HENSARLING, and Mr. MCCAUL of Texas.

H.R. 5685: Mr. REYNOLDS, Mr. SERRANO, Mr. ENGEL, Mr. WEINER, Mr. HIGGINS, Mr. OWENS, Mr. NADLER, Ms. SLAUGHTER, Mr. MCNULTY, Mr. MEEKS of New York, Mr. KUHL of New York, and Ms. VELÁZQUEZ.

H.R. 5704: Mr. GINGREY.

H.R. 5712: Mr. GONZALEZ.

H.R. 5714: Mr. DEFAZIO, Ms. ZOE LOFGREN of California, Mr. WEXLER, and Ms. LORETTA SANCHEZ of California.

H.R. 5743: Mr. SAM JOHNSON of Texas.

H.R. 5755: Mr. SIMMONS, Mr. PETERSON of Pennsylvania, Mr. CUMMINGS, Mr. MCCOTTER, Mr. HOLDEN, Mr. CARDOZA, Mr. TAYLOR of Mississippi, Mr. CHANDLER, Mr. ROSS, Mr. COOPER, Mr. SALAZAR, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Mr. POMEROY, and Mr. MCINTYRE.

H.R. 5756: Mr. TANCREDO.

H.R. 5766: Mr. PENCE, Mr. CALVERT, Mr. HERGER, Mr. SESSIONS, Mr. CULBERSON, Ms. HART, Ms. HARRIS, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. WELDON of Florida, Mr. BILBRAY, Mr. GERLACH, Mr. HAYWORTH, Mr. ISTOOK, Mr. STEARNS, Mr. RENZI, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. HAYES, Miss MCMORRIS, Mr. DAVIS of Kentucky, Mr. CAMPBELL of California, and Mr. LATHAM.

H.R. 5784: Mr. MEEK of Florida and Mr. MORAN of Virginia.

H.R. 5785: Mr. COSTELLO.

H.R. 5805: Ms. BORDALLO, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. CHABOT, Mr. POE, and Mr. SMITH of New Jersey.

H. J. Res. 90: Mr. MCNULTY.

H. Con. Res. 222: Mr. MCNULTY and Mr. NEY.

H. Con. Res. 346: Mr. HYDE.

H. Con. Res. 347: Mr. MICHAUD.

H. Con. Res. 390: Ms. BEAN and Mr. TERRY.

H. Con. Res. 406: Mr. FRANK of Massachusetts.

H. Con. Res. 416: Mr. JEFFERSON and Mr. DOYLE.

H. Con. Res. 434: Mr. CONYERS.

H. Con. Res. 435: Mr. FOSSELLA.

H. Con. Res. 438: Ms. PRYCE of Ohio, Mr. MCCOTTER, Mr. MANZULLO, Mr. NORWOOD, Mr. GARY G. MILLER of California, and Mr. ISTOOK.

H. Con. Res. 448: Mr. HALL, Ms. KAPTUR, and Mr. WELDON of Florida.

H. Res. 79: Ms. WATSON, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. CLYBURN, Mr. MARSHALL, Mr. GENE GREEN of Texas, Mr. HENSARLING, and Mr. PAUL.

H. Res. 295: Mr. WHITFIELD.

H. Res. 603: Mr. CALVERT.

H. Res. 784: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 790: Ms. WOOLSEY, Mr. CLYBURN, and Ms. LEE.

H. Res. 863: Mr. ISSA.

H. Res. 871: Mr. KIRK, Mr. FRELINGHUYSEN, Mr. GERLACH, Mrs. JOHNSON of Connecticut, Mr. PETRI, Mr. BOEHLERT, Mr. SCHWARZ of Michigan, Mrs. KELLY, Mr. BASS, Mr. EHLERS, Mr. PLATTS, Mr. CASTLE, Mr. BRADLEY of New Hampshire, Mr. GILCHREST, Mrs. WILSON of New Mexico, and Mr. WALSH.

H. Res. 888: Ms. KILPATRICK of Michigan.

H. Res. 901: Mr. HINOJOSA, Mrs. TAUSCHER, Mr. CLEAVER, and Mr. SCOTT of Virginia.

H. Res. 908: Mr. MCNULTY.

H. Res. 911: Mr. GARY G. MILLER of California, Mr. WYNN, Mr. SHERMAN, Mr. STARK, Mr. PRICE of North Carolina, and Mr. MARSHALL.

H. Res. 912: Mr. BERRY, Mr. GARY G. MILLER of California, Mr. POMEROY, Mr. GORDON, Mr. MARSHALL, Mr. MOORE of Kansas, Ms. HOOLEY, Mr. CASTLE, Mr. CAMPBELL of California, Mr. HAYWORTH, Mr. SIMMONS, Mr. GOODE, Mr. KIRK, Mr. RAMSTAD, Mr. SESSIONS, Mr. LEWIS of California, Mr. GILLMOR, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. TIBERI, Mr. MELANCON, Mr. COBLE, Mr. PEARCE, Mr. BOEHLERT, and Ms. BERKLEY.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, JULY 18, 2006 *No. 94*

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, in spite of the violence and the strife in our world, we pause to thank You for Your blessings. Thank You for the resiliency of the human spirit that often shines brightest during the darkest hours. Thank You for the examples of those who are willing to sacrifice even life itself for freedom. Thank You for the visions and ideals You have planted in the hearts of our legislative leaders and for their commitment to excellence. Thank You for the opportunity to labor for a world at peace and for those who toil for the day when we will study war no more.

Above all, we thank You for the blessing of Your love revealed by Your gift of salvation to our world. Accept this, our sacrifice of thanksgiving and praise.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m. with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 10 a.m. we will resume debate on the stem cell issue with each 30 minutes alternating between the two sides. We have the designated times locked in with three votes occurring in a stacked sequence beginning at 3:45 today.

I thank the Members who were available yesterday for the debate. We had a good debate, an important debate, on the whole range of ethical and scientific issues which were introduced and talked about yesterday in that debate, and I am sure it will be constructive, with that same cooperative dialog and spirit today. We have a limited amount of time for closing remarks, so Senators should be on the floor of the Senate during their speaking blocks, and if there is any time available in those speaking blocks, that time will be appropriately allocated.

We will recess today as usual from 12:30 until 2:15 for the weekly policy meetings, and later on this afternoon, we will also begin work on the Water Resources Development Act. We have a time agreement which limits the amendments to the so-called WRDA—the Water Resources Development Act—and we expect to begin debate on some of those amendments this afternoon and evening.

Other items that may be considered this week include some circuit and district judges that have been reported by the Judiciary Committee. We mentioned the Child Custody Protection Act, and we have mentioned the Voting Rights Act. So we will have a busy week.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, with respect to the debate time today regarding the stem cell legislation, I ask unanimous consent that the Democratic time be controlled as follows: From 10:30 to 11 a.m, Senators LAUTENBERG, CLINTON, and MIKULSKI each controlling 10 minutes; from 11:30 to 12 o'clock noon, Senators KOHL and LINCOLN each controlling 5 minutes, and Senators CARPER and JOHN KERRY each controlling 10 minutes; from 12:15 to 12:30, Senators FEINGOLD and SCHUMER each controlling 7½ minutes; and from 2:45 to 3:15 p.m, Senator MENENDEZ, 3 minutes, Senators FEINSTEIN, KENNEDY, and HARKIN each controlling 8 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Would the Chair advise me as to the current state of business on the floor?

The PRESIDENT pro tempore. The time until 10 a.m. is equally divided between the parties.

STEM CELL RESEARCH

Mr. DURBIN. Thank you very much, Mr. President. Speaking on the minority side, I would like to say that we face a historic vote today on stem cell

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

research. This is a vote that millions of Americans are watching. People who are suffering from diabetes, Parkinson's, Alzheimer's, spinal cord injuries, they can't understand why America, for the last 5 years, has shut down medical research that promises hope—hope for cures. They can't understand that the President of the United States made the decision—almost unprecedented in our history—to close down medical research. He didn't do it absolutely, and that is the curious thing.

If this is a question of being driven by moral values, I don't understand how the President could conclude that using existing stem cell lines, 78 of them, is permissible, but using 1 more is immoral. I don't follow his logic. Frankly, I don't believe it is logical.

What we have before us is an opportunity to move forward on stem cell research with very strict ethical guidelines. We have a choice: Will we take these thousands of stem cells—which, frankly, will be discarded as waste and surplus—will we allow that to happen or use them in a laboratory to give a 12-year-old girl suffering from juvenile diabetes a chance for a normal, happy life?

Will we use these stem cells to try to explore possibilities for the epidemics of Parkinson's and Alzheimer's and Lou Gehrig's disease and finally have some avenue toward a cure? Are we going to tie our hands as a nation?

The Senate has a chance today to vote for the real bill: H.R. 810. That is the only bill dealing with stem cell research. There are two other bills we will be voting on, and honestly, they don't mean anything. They mean so little. One prohibits practices that are not occurring, and the other is just words—words that don't really lead to research.

What is really troubling is the President has sent us a message, and we received it yesterday. The President said, with his Statement of Administration Policy, if H.R. 810, the real stem cell research bill, were presented to the President, he would veto the bill. This President, who calls himself a compassionate conservative, has a chance with the stem cell research bill to show his compassion for the millions of people suffering from disease, people who are clinging to the possibility of hope in medical research. I hope the President will reconsider. I hope he will not just dig in and say: That's it, I won't even think about it.

I hope the President will pray on this because he is a prayerful man, and if he does, I hope he will understand that throwing away these stem cells, discarding them, declaring they are medical waste, is a waste of opportunity and a waste of hope.

We have a chance with this stem cell bill to give hope to people. I have gathered those in Chicago who are interested in the issue, and there are so many of them: Representatives of groups, a mother who wakes in the middle of the night two or three times to take a blood test on her little girl to see if she needs insulin; a couple sitting before me—I will never forget them—he is suffering from Lou Gehrig's disease. He is in his thirties. He has reached the point now where he cannot speak or move. She brings him to our meeting, and as she describes what they have been through, tears are rolling down his cheeks, realizing he can't do anything to help himself at this point.

Well, there is a chance—a chance, perhaps, for him but certainly for others—a chance for them, for those suffering from Parkinson's.

My colleague from Illinois in the House, LANE EVANS, is my buddy. We came to the House together in 1982. What a great guy. He is a Vietnam era Marine Corps veteran. He wins an upset victory in Illinois, comes in, he is a great Congressman, and then Parkinson's strikes. He had to announce this year he is ending his public career to continue this valiant battle against Parkinson's.

He said, when he came to the floor and spoke on behalf of this bill: This is not just about the right to life, it is the right to live, the right for him to live, the right for others to live.

I implore my colleagues on both sides of the aisle to pass this bill today with a strong vote. Say to the President: Please, in prayerful reflection, think about these people who are counting on us. Think about our chance to show that we are not just compassionate conservatives and compassionate progressives and compassionate liberals, we are compassionate Americans.

I urge my colleagues to pass this bill, and I urge the President to reconsider his veto.

The PRESIDING OFFICER (Mr. DEMINT). The Senator's time has expired.

Mr. HATCH. Mr. President, I see the distinguished Senator from Alaska on the Senate floor. I believe he would like to introduce some people.

VISIT TO THE SENATE BY MEMBERS OF THE SENATE OF SPAIN

Mr. STEVENS. Mr. President, it is my high honor to introduce to the Senate a delegation from the Senate of Spain. Senator Rojo is the leader of this group, the President of the Senate of Spain. With him is Senator Lucas, Senator Anasagasti, Senator Caneda, Senator Garcia-Escudero, Senator Lerma, Senator Aleu, Senator Zubia, Senator Macias, Senator Mendoza, and Senator Cuenca.

Senator Rojo is the President. Senator Lucas is the Vice President. Senator Anasagasi is the First Secretary, and Senator Caneda is the Third Secretary. Senator Garcia-Escudero is the Spokesperson for the Popular Party, Senator Lerma is the Spokesperson for the Socialist Party. Senator Aleu is the Spokesperson for the Progressive Catalonian Parties, and Senator Zubia is the Spokesperson for the Basque Nationalists. Senator Macias is the Spokesperson for the Catalonian Coalition. Senator Mendoza is the Spokesperson for the Canary Islands Coalition, and Senator Cuenca is the Deputy Spokesperson for the Mixed Group.

Mr. President, we thought we had it bad. There are many parties represented here from our distinguished ally, Spain. I hope Senators will take a moment to say hello.

I explained to my colleagues that we are in a debate which is a prelude to a debate which will come up very soon.

RECESS

Mr. STEVENS. Mr. President, I will ask the Senate stand in recess for just a few moments to say hello to our distinguished colleagues.

With the Senate's indulgence, I would like to announce we will have a coffee reception for the President of the Senate of Spain and his colleagues, the Senators from Spain, in the President pro tempore's room starting immediately. All staff and Senators are invited.

I ask unanimous consent that the Senate stand in recess so we can greet our distinguished colleagues.

The PRESIDING OFFICER. The Senator will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:03 a.m. recessed until 10:04 a.m. and reassembled when called to order by the Presiding Officer (Mr. DEMINT).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of S. 3504, S. 2754, and H.R. 810, en bloc, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

A bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

Mr. HATCH. Mr. President, I rise to speak in support of stem cell research.

I plan to vote in favor of each of the three bills that we will be considering today. I call upon my colleagues to pass all three of these bills. I call upon the President to sign all of them into law.

Make no mistake about it. This is an important debate. We will cast important votes today.

Even with all the events taking place the world today, including the developments in Lebanon, Syria, and Iran, it is my hope—and the hope of many others—that when the history of our time is written, the ultimate outcome of today's debate over stem cell research will have been a major breakthrough in our understanding of, and ability to promote, human health and prevent and treat disease.

I admire and respect President Bush tremendously for being the first President to dedicate Federal funds for stem cell research. As many may recall, in August 2001, the President announced that Federal funds would be used for research on 60 stem cell lines that were created from embryos that have already been destroyed. Unfortunately, many of these stem lines became contaminated so the cells could never be used for scientific research. I believe that H.R. 810 must be signed into law in order to make the President's policy work because in my view, the President already made the decision to use the cells. H.R. 810 just changes the guidelines for stem cell research by allowing embryos that would otherwise be discarded to be made available for research. I believe that by using these embryos for medical research, we are, in fact, promoting life.

One of the reasons why so many are so interested in this debate is that literally everyone either has, or knows, a loved one who has, one of the diseases or conditions that may one day benefit from stem cell research.

One reason why I support stem cell research so strongly is because I have heard from so many of my fellow citizens of Utah and fellow Americans about how important this issue is to them and their families.

That is the reason why Nancy Reagan wrote me the following letter about stem cell research:

MAY 1, 2006

DEAR ORRIN: Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.

It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and hard to comprehend.

I understand that the United States Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.

Sincerely,

NANCY.

I want to make it clear that there is broad consensus among leading scientists that among the three bills we will vote upon today—the Stem Cell Research and Enhancement Act, H.R. 810; the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754; and the Fetus Farming Prohibition Act of 2006—it is H.R. 810 that can most immediately advance science.

The vote on H.R. 810 is the one that really counts.

Some in this debate suggest that passage of the Specter-Santorum alternatives bill would obviate the need for H.R. 810. Neither Senator SPECTER nor I believe that. Nor do the leading scientists in America believe that. Nor should you believe that.

To put a point on it, the other two bills, S. 2754 and S. 3504, are most emphatically not a substitute for H.R. 810. These bills complement H.R. 810. In no way can, or do, they replace H.R. 810.

I support the alternatives bill, S. 2754, for a lot of the same reasons why I coauthored the cord blood stem cell research bill that President Bush signed into law last year. I believe that all scientifically credible and ethically sound avenues of stem cell research ought to be pursued. I might add that when we passed the cord blood legislation, that form of research had already yielded tangible results for several types of diseases, such as some forms of bone marrow cancer.

In sharp contrast, whatever benefits the alternatives bill may yield, experts tell us that they are largely unrealized today and, as often the case with cutting edge science, uncertain in the future. But that is the way science works. Advance in science often progresses in fits and starts. Sometimes, actually most of the time, particular avenues of research are found to be blind alleys and advances do not come. Many seeds of discovery have to be planted for the flower of progress to bloom.

Today's votes give us an opportunity to move forward on several fronts.

Let us be clear that the centerpiece of today's debate is H.R. 810. This is the bill that will help provide the long overdue expansion of the number of stem cell lines eligible for federally funded biomedical research. This is what our leading scientists have told us they want and need to move the field of stem cell research forward.

I have worked with leading scientists throughout my 30-year career in the Senate. Few, if any, issues have created the genuine sense of excitement among the scientific community as have the current opportunities in stem cell research.

Listen to what Dr. Harold Varmus has said about the promise of stem cell research. Dr. Varmus is a Nobel Laureate. He is the former Director of the National Institutes of Health. He currently runs the prestigious Sloan-Kettering Cancer Center. By all accounts, he is one of the leading scientists in the world. I met with Dr. Varmus on several occasions to learn what scientists think about stem cell research.

Here is Dr. Varmus' assessment:

(t)he development of a cell that may produce almost every tissue of the human body is an unprecedented scientific breakthrough. It is not too unrealistic to say that this practice has the potential to revolutionize the practice of medicine.

More than 40 other Nobel prize-winners and as well most of our Nation's leading scientists, disease advocacy organizations, and many other interested citizens and organizations share this view.

For example, here is what Dr. Edward Clark of the University of Utah Department of Pediatrics has told me about stem cell research:

. . . I can assure you that the scientific progress of stem cell research is extraordinary.

. . . In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research.

It is not hard to understand why the additional stem cell lines that can and will be used by federally funded scientists if H.R. 810 becomes law is so exciting for scientists and important for the American public.

The stakes of today's debate are high. As a report of the influential National Academy of Sciences Institute of Medicine has stated:

(S)tem cell research has the potential to affect the lives of millions of people in the United States and around the world.

This Institute of Medicine Report goes on to cite the following high prevalence diseases as likely candidates for stem cell research: Cardiovascular Disease—58 million U.S. patients; Autoimmune Diseases—30 million U.S. patients; Diabetes—16 million U.S. patients; Osteoporosis—10 million U.S. patients; Cancer—10 million U.S. patients; Alzheimer's Disease—5.5 million U.S. patients; Parkinson's Disease—1.5 million U.S. patients.

What family in America does not include someone afflicted with a disease on this list? And a complete list includes many other diseases and conditions such as spinal cord injuries, burns, and many birth defects. Experts believe that upward of 100 million Americans—and hundreds of millions of others around the world—may one day benefit from stem cell research.

For example, let us consider spinal cord injuries. Who does not know, or know of, someone whose life has been devastated by a spinal cord injury?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received just last month from Michael Armstrong, Chairman of the Board of the Johns Hopkins School of Medicine.

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

JOHNS HOPKINS MEDICINE,
Naples, FL, June 26, 2006.

Hon. ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: I'm writing to let you know about an exciting recent breakthrough in biomedical research at the Johns Hopkins University. Using mouse embryonic stem cells, scientists led by Dr. Douglas Kerr have regenerated damaged nerve tissue in paralyzed rats, thereby restoring motor function. The details of Dr. Kerr's research are described in a press release attached to this letter.

This breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible. The exact timeframe is impossible to predict, but it will almost certainly depend on the availability of federal funding.

Due to restrictions on federal funding of embryonic stem cell research, Dr. Kerr will likely seek state support for his continuing work. We at Johns Hopkins applaud the courageous efforts of the Maryland General Assembly to make that support possible by passing the Maryland Stem Cell Enhancement Act earlier this year.

The level of funding that will ultimately be required to advance this field of science to human trials, however, suggests that federal funding will be necessary. Yet under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current federal stem cell policy be revised.

We are grateful for your ongoing commitment to biomedical research. I'm sure your leadership on this issue will continue to uphold the best interests of American researcher, physicians, and above all, patients.

Sincerely,

C. MICHAEL ARMSTRONG,
Chairman.

Mr. HATCH. Mr. President, this letter describes groundbreaking research conducted by a Johns Hopkins scientist, Dr. Douglas Kerr, on how mouse embryonic stem cells have been able to regenerate damaged nerve tissue in paralyzed rats. According to the letter from Johns Hopkins University, one of the world's most respected biomedical research institutions in the world, Dr. Kerr's ''breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible.''

The current Director of the National Institutes of Health, Dr. Elias Zerhouni, has said that this research is ''a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise.''

However, unless H.R. 810 becomes law and the number of stem cells lines eligible for Federal funding is expanded, this promising research could die on the vine.

As Mr. Armstrong explains in his letter:

The level of funding that will that will ultimately be required to advance this field of science to human clinical trials, however, suggests that federal funding will be necessary. Yet, under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current stem cell policy be revised.

The precise type of revision that the scientists at Johns Hopkins tell us is needed is precisely the change in Federal policy that H.R. 810, the Castle-DeGette bill, will bring about.

And the scientists at Johns Hopkins are hardly alone.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Darrel Kirch, President of the Association of American Medical Colleges.

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

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, DC, July 11, 2006.

DEAR SENATOR: The Association of American Medical Colleges (AAMC) urges you to vote in favor of the ''Stem Cell Research Enhancement Act of 2005'' (H.R. 810) when it is considered by the Senate. The AAMC, which represents the nation's 125 accredited medical schools, some 400 major teaching hospitals, and more than 105,000 faculty in 94 academic and scientific societies, endorses this legislation to expand Federal support for stem cell research while adhering to strict federal oversight and standards. In accordance with current law, the legislation ensures that no Federal funding shall be used to derive stem cells or destroy embryos.

The discovery of human pluripotent stem cells is a significant research advance and Federal support to American researchers is essential both to translate this discovery into novel therapies for a range of serious and intractable diseases, and to ensure that this research is conducted under a rigorous and credible ethical regime. The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science. These cells have the unique potential to differentiate into any human cell type and offer real hope of life-affirming treatments for diabetes, damaged heart tissue, arthritis, Parkinson's, ALS and spinal cord injuries, to name but a few examples. There is also the possibility that these cells could be used to create more complex organ structures that could replace diseased vital organs, such as kidneys, livers, or even hearts.

We recognize the significant ethical issues that are raised about embryonic stem cell research and we respect the view of those who oppose such research, including some in our own medical school community. However. we are persuaded otherwise by what we believe is an equally compelling ethical consideration, namely, that it would be tragic to waste the unique potential afforded by embryonic stem cells, derived from embryos destined to be discarded in any case, to alleviate human suffering and enhance the quality of human life.

This legislation recognizes the need to expand Federal support of research on pluripotent stem cells so that the tremendous scientific and medical benefits of their use may one day become available to the millions of patients who so desperately need them. Again, we urge you to vote for this bill, which will help ensure the potential of this research is translated into treatments and cures.

Sincerely,

DARRELL G. KIRCH, M.D.,
President.

Mr. HATCH. Mr. President, this organization represents our Nation's 125 accredited medical schools, 400 teaching hospitals, and more than 105,000 medical school faculty in 94 academic and scientific societies. This letter, sent to all Senators last Tuesday, call for us to support H.R. 810. The AAMC letter states:

> The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science.

Support for H.R. 810 is not confined solely to academicians. Last year, when the House took up and passed H.R. 810 on a bipartisan basis, over 200 organizations gave their wholehearted support for this legislation. This includes many leading patient advocacy organizations such as the Coalition for the Advancement of Medical Research, the Juvenile Diabetes Research Foundation, the Elizabeth Glaser Pediatric Aids Foundation, the Christopher Reeve Foundation, the American Association for Cancer Research, and the Alliance for Aging Research, to name a few.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that support the passage of H.R. 810.

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

JULY 14, 2006.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and Pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

Alliance for Aging Research; Alliance for Stem Cell Research; Alpha-1 Foundation; ALS Association; American Association for Cancer Research; American Association of Neurological Surgeons/ Congress of Neurological Surgeons; American Autoimmune Related Diseases Association; American College of Neuropsychopharmacology; American

College of Obstetricians and Gynecologists; American Diabetes Association; American Gastroenterological Association; American Medical Association; American Parkinson's Disease Association (Arizona Chapter); American Society for Cell Biology; American Society for Microbiology; American Society for Neural Transplantation and Repair; American Society for Reproductive Medicine; American Society of Hematology.

American Thyroid Association; Association of American Medical Colleges; Association of American Universities; Association of Independent Research Institutes; Association of Professors of Medicine; Association of Reproductive Health Professionals; Axion Research Foundation; Biotechnology Industry Organization; B'nai B'rith International; The Burnham Institute; California Institute of Technology; Californians for Cures; Cancer Research and Prevention Foundation; Cedars-Sinai Health System; Children's Neurobiological Solutions Foundation; Christopher Reeve Foundation; Columbia University Medical Center; Cornell University; CuresNow.

Duke University Medical Center; Elizabeth Glaser Pediatric AIDS Foundation; FasterCures; FD Hope Foundation; Genetics Policy Institute; Hadassah; Harvard University; Hereditary Disease Foundation; International Foundation for Anticancer Drug Discovery (IFADD); International Longevity Center—USA; International Society for Stem Cell Research; Jeffrey Modell Foundation; Johns Hopkins; Juvenile Diabetes Research Foundation; Leukemia and Lymphoma Society; Massachusetts Biotechnology Council; National Alliance for Eye and Vision Research; National Association for Biomedical Research; National Coalition for Cancer Research.

National Council on Spinal Cord Injury; National Health Council; National Partnership for Women and Families; National Venture Capital Association; New Jersey Association for Biomedical Research; New York University Medical Center; Parkinson's Action Network; Parkinson's Disease Foundation; Pittsburgh Development Center; Project A.L.S.; Quest for the Cure; Research!America; Resolve: The National Infertility Association; Rett Syndrome Research Foundation; Robert Packard Center for ALS Research at Johns Hopkins; Rutgers University; Sloan-Kettering Institute for Cancer Research; Society for Women's Health Research; Stanford University.

Stem Cell Action Network; Stem Cell Research Foundation; Steven and Michele Kirsch Foundation; Student Society for Stem Cell Research; Take Charge! Cure Parkinson's, Inc.; Texans for the Advancement of Medical Research; Tourette Syndrome Association; Travis Roy Foundation; University of California System; University of Minnesota; University of Rochester Medical Center; University of Southern California; University of Wisconsin—Madison; Vanderbilt University and Medical Center; Washington University in St. Louis; WiCell Research Institution; Wisconsin Alumni Research Foundation; Wisconsin Association for Biomedical Research and Education.

Mr. HATCH. Mr. President, support for the passage of H.R. 810 is not limited to the not-for-profit sector. While it is sometimes typical for the private sector to keep out of some controversial issues, this is not the case with stem cell research.

Last week, I received a letter of support for H.R. 810 from the Biotechnology Industry Organization. BIO represents more than 1,100 biotechnology companies, state biotechnology centers, and academic institutions. The BIO letter notes:

Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Mr. President, I ask unanimous consent to have printed in the RECORD the July 12, 2006, letter from BIO calling for passage of H.R. 810.

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

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, July 12, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As President & CEO of the Biotechnology Industry Organization (BIO), I am writing to express BIO's support for H.R. 810, the Stem Cell Research Enhancement Act. Other stem cell legislation being debated by the Senate has merit, but only H.R. 810 expands the research that our nation's leading scientists believe holds the promise of finding cures and treatments for the millions of patients who currently suffer from a variety of diseases and disabilities.

BIO is the national trade association representing more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations in all 50 U.S. states and 33 foreign nations. BIO members are involved in the research and development of health-care, agricultural, industrial and environmental biotechnology products.

Our nation's top scientists agree that embryonic stem cell research has the potential to lead to cures and treatments for many of our society's most devastating diseases and disabilities such as cancer, diabetes, ALS, Parkinson's disease, Alzheimer's disease, and spinal cord injuries. Embryonic stem cell research will further the development of cell-based therapies by leading to greater scientific understanding of cell differentiation—the process by which our cells become specialized to perform certain functions—and proliferation—the process where cells expand, or multiply for controlled use as a potential therapeutic.

Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Importantly, the legislation creates an ethical framework for this research. It prohibits funding unless the cell lines were derived from excess embryos from in vitro fertilization clinics that were created for reproductive purposes and would otherwise be discarded. It also requires voluntary informed consent from the couples donating the excess embryos and prohibits any financial inducements.

H.R. 810 provides hope to millions of patients and their families by expanding current federal policy regarding federal funding of stem cell research. I urge you to support its passage.

If you have any questions, please feel free to call me or Brent Del Monte, BIO's Vice President for Federal Government Relations, at 202–962–9200.

Thank you for your attention to this important matter.

Sincerely,

JAMES C. GREENWOOD,
President & CEO,
Biotechnology Industry Organization.

Mr. HATCH. Mr. President, some aspects of this issue involve complicated scientific facts and complex moral questions. Elected officials and the American public alike have had much to learn and consider since this issue first arose on the scene in 1998.

The more the American public thinks about this issue, the more it coalesces around the policy embraced by H.R. 810 which will significantly improve and expand taxpayer supported stem cell research.

Public opinion polls show that U.S. citizens are squarely behind stem cell research and H.R. 810.

For example, a poll commissioned by the Coalition for the Advancement of Stem Cell Research and taken in May of this year found that 72 percent of Americans support embryonic stem cell research and 70 percent favor the Senate adopting H.R. 810, the Stem Cell Research Enhancement Act. This finding of broad public support is consistent with other previously conducted polls. For example, a Harris poll taken in August 2004 found that 73 percent of Americans think stem cell research should be allowed and a June 2004 Wall Street Journal/NBC News poll placed public support for this research at 71 percent.

Some may try to quibble about how particular poll questions were phrased in particular surveys, but few would question the fact that for some time most Americans have wanted the type of research that H.R. 810 will help enable to go forward.

I can tell you this. The poll results I have just cited are consistent with what I hear from my neighbors and constituents in Utah. I come from a conservative State. But whenever the issue of stem cell research comes up at one of my meetings in Salt Lake City or other places in my State, somebody will come up to me to tell me their personal story with the diseases of a loved one and tell me that I am doing the right thing on stem cell research.

One of the reasons why I got involved with the issue of stem cell research in the first place was because of a little boy named Cody Anderson, whose family used to live in West Jordan, UT.

Cody and his family came to visit me in Washington in 2001 to tell me their tragic family struggle with diabetes. Cody's grandfather succumbed to diabetes at age 47 after a series of painful amputation operations. Cody, his grandfather's namesake, never got the chance to meet or know his grandfather because of diabetes.

Let me read you part of a letter that Cody and his family wrote me:

I don't want other small children like me to have to go through the things that I have already had to go through. I do not want to suffer the effects that my grandfather did throughout his life because of this disease. I want to grow old and not have to worry about all the bad things that could happen to me because of diabetes. We have seen what diabetes can do to an innocent life. Please don't let this happen to me in my life now. I hope you will take it in your hearts to listen to us, the people who live with this disease for every minute of every day for now and the rest of our lives.

In a few hours we can pass a bill that can only help Cody and thousands of others suffering from diabetes and millions of others who suffer from other diseases and conditions that may benefit from stem cell research.

How do you think young Cody's parents felt when they learned of their son having the same diagnosis as his grandfather?

How would you feel if you were told that your child would lead a life revolving around multiple daily blood tests, insulin injections, and a tightly regulated diet and constricted activity schedule that no child would relish?

The answer of any parent is that you would want your government to leave no stone unturned in finding a cure for that disease. And you would want the cure found as soon as possible.

Let me say a few sobering words about the immediacy of the promise of stem cell research. Cures are not around the corner. While stem cell research may prove in time to be a revolutionary advance in science such progress does not come quickly or on the cheap.

If we start a vigorous program of federally funded stem cell research program progress will not likely be measured in hours and days. It will take years, perhaps 10 or 20 years, before American patients are administered a new class of products and treatments derived from stem cell research.

In this regard I am reminded of an instance in which, when advised that a certain type of rare plant took years and years to bloom if placed in a certain hostile environment, a great French General simply said, ''Then we must not delay, we must plant today.''

We have to proceed with stem cell research with a passion and urgency today precisely because we do not know how long it will take to find tomorrow's cure. But we do know that the sooner we start, the faster we will get there.

Nor will this research be inexpensive. No doubt one reason why the biotechnology industry is supporting H.R. 810 is because since the end of World War II basic biomedical research in this country has primarily been funded by taxpayers through the programs conducted or supported by the National Institutes of Health. Today, about 80 percent of the $28 billion NIH budget is invested in highly-competitive, peer-reviewed research that is undertaken by universities and research hospitals.

There has been a continuum of effort between the public sector basic research and private sector applied research that attempts to translate the new basic knowledge gleamed from federally supported NIH research into tangible FDA-approved products or other treatments before they can reach even the first patient's bedside. Americans should take pride in the fact that virtually every major advance in the biological sciences in the last 50 years emanated in some way from our investment in the NIH.

In my view, it would be in tragic and nearly incalculable mistake for our country to continue our present policy that materially constricts the cadre of investigators leading over 46,000 ongoing university based, NIH research grants from pushing the envelope of stem cell research. To cede our leadership in such a promising field of endeavor of biomedical research as stem cell research can only be shortsighted in the long run.

For example, the University of Utah is the proud home of one of the world's foremost mouse stem cell researchers. His name is Dr. Mario Capecchi and he has already won one of the most prestigious awards in American science, the Lasker Award. A great deal of the support for Dr. Capecchi and other researchers at the University of Utah and other research universities across the country come from NIH grants and contracts.

I want Dr. Capecchi to stay in Utah. I want the world's leading scientists to stay in the United States. It is critical to relax the current straitjacket on testing new stem cell lines if we are to keep the best stem cell researchers in this country.

Some might say good riddance to this research and to stem cell researchers. Look what happened in South Korea when a group of stem cell researchers conducted unethical experiments, faked the results and lied to the public.

I say that if the NIH is involved in this research and it is conducted in America, federally supported researchers will have to live within long-standing NIH ethical guidelines and principles as well as special rules that will apply only to stem cell research. In this way, as we have done so many times in the past with breakthrough research such as with recombinant DNA technology and organ transplants, the United States can help set a moral and ethical climate that our neighbors in the world community will emulate and follow.

I hope we never reach the day when the best biomedical researchers trained in America must go elsewhere to conduct the most cutting-edge basic biomedical research. Once that happens, we could face the day when sick Americans must actually leave our country to get the latest in treatments. I sure would not want to see a day when a citizen of Salt Lake City has to go to South Korea or any place else to get the best medical treatment possible.

Today, for all of its warts, the U.S.A. is widely recognized as the world's leader in developing and disseminating the latest in medical breakthroughs.

Passage of H.R. 810 will help us keep it that way.

The purpose of H.R. 810 is to expand the opportunities for the type of federally funded basic biomedical research that has proven so beneficial to the American public time and time again in the past.

Having described how many experts and interested parties believe that the promise of stem cell research is so great, I want to spend the next few minutes describing why some are opposed to this research and why I think their opposition is misplaced.

In order to do this, I feel compelled to spend a few minutes to define and discuss some technical scientific terms. I know that others have used many or all of these terms during the course of the debate but please bear with me if I am repeating some one or get too technical.

Perhaps the best place to start a discussion of stem cell research is with a broader term that many scientific experts believe more accurately describes the field and what is at stake.

The term is regenerative medicine.

Regenerative medicine seeks to uncover knowledge about how healthy cells contained in tissues and organs are formed and how they are lost through normal wear and tear or impaired more extensively through injury or degenerative disease.

The growing field of regenerative medicine is increasing our understanding of embryonic development, birth defects, organ transplantation, and the developmental biology of both healthy and diseased tissues. A key avenue of research of regenerative medicine involves stem cells. A stem cell is an undifferentiated cell that has the unique capacity to renew itself and give rise to specialized cell types. These stem cells are called pluripotent because of this ability to develop into different kinds of specialized cells, perhaps into all or most of the 200 known types of tissues that comprise the human body. Stem cells have the ability to divide and replicate for long periods of time in a laboratory colonies called cell lines.

The flexibility of these pluripotent stem cells is distinct from most cells in the body, because most cells are typically dedicated to performing a specific task such as heart muscle cells and specialized nerve cells. Scientists, like Dr. Kerr, the Johns Hopkins nerve cell researcher whom I talked about earlier, hope to be able to use stem cells to study how healthy and diseased cells work and, one day use this knowledge and use stem cell lines to treat or repair diseased tissues or organs. If this research is successful, many currently untreatable diseases and conditions may go the way of small pox and polio.

There are several different sources of stem cells.

Adult stem cells are undifferentiated cells that are found in specialized adult tissues. These cells can renew themselves and, with certain limitations, can differentiate to yield all the specialized cells types of the tissue in which they are found, and perhaps others as well. Adult stem cells have been found in many tissues including bone marrow, blood, the brain, skeletal muscle, dental pulp, liver, skin, eye, and the pancreas.

There is no serious opposition to adult stem cell research. I fully support this research.

There is, however, much debate over the potential limitations of adult stem cell research. For example, the seminal 2001 National Academy of Sciences study I mentioned earlier summarized the concerns:

(I)t is not clear whether . . . adult stem cells . . . truly have plasticity or whether some tissues contain several types of stem cells that each give rise to only a few derivative types. Adult stem cells are rare, difficult to identify and purify, and when grown in culture, are difficult to maintain in the undifferentiated state. It is because of those limitations that even stem cells from bone marrow, the type most studied, are not available in sufficient numbers to support many potential applications of regenerative medicine.

Although some opponents of H.R. 810 have taken exception to this characterization of the limitations of adult stem cells, it is my understanding that most experts in the field believe that embryonic stem cells offer advantages over adult stem cells because of the reasons I have just reported from the NAS study.

Moreover, some proponents of adult stem cell research claim that many diseases have been effectively treated with adult stem cells. Unfortunately, the weight of evidence does not support many of these claims. Nor do most of the leading experts in the field agree with the notion that adult stem cell research exceeds the promise of embryonic stem cell research despite the fact that adult stem cell research has at least a 40-year head start on embryonic stem cell research and has enjoyed a sustained funding commitment from the NIH.

The current issue of Science magazine contains a detailed letter written by three scientists, Shane Smith, William Neaves, and Steven Teitelbaum challenging claims made by a leading advocate of adult stem cell research, Dr. David Prentice. I understand that most experts come down on the Smith-Neaves-Teitlebaum side of the debate concerning the scientific limitations and opportunities of embryonic stem cells relative to adult stem cells.

Additional sources of stem cells are those acquired from placental and umbilical cord blood. Last fall the Congress passed and President Bush signed into law legislation that I co-authored to expand the use of the valuable and proven source of stem cell therapy. Due to the work of pioneers like Dr. Joanne Kurtzberg from Duke University and Dr. Pablo Rubinstein of the New York Blood Center, cord blood has become an important mode of treatment for diseases like bone marrow disorders and has proven to be particularly useful in the African-American community where it is often difficult to find suitable bone marrow matches.

Yet another source of stem cells is those derived from human embryos. Public debate and discussion have centered on two types of embryonic stem cells.

First, stem cells may be derived from embryos created for, but no longer needed in, the in vitro fertilization process.

Second, stem cells can potentially be derived from so-called cloned embryos through the process of somatic cell nuclear transfer.

Today's debate centers on the first source of embryonic stem cells—excess embryos formed in fertility clinics slated for destruction.

Under the terms of the unanimous consent agreement—and it is an agreement I fully support and commend Senators FRIST and REID for negotiating—the bills we debate today do not involve cloned embryos formed by somatic cell nuclear transfer. This is the process whereby the nucleus of an egg and its complement of 23 chromosomes is removed and replaced with the nucleus of one of the standard 46-chromosome containing somatic cells that constitute the 200-plus tissues of the human body.

Senator FEINSTEIN and others have developed legislation that would ban and criminalize the act of using the somatic cell nuclear transfer process to give birth to a cloned human being. In addition, our bill, the Human Cloning Ban and Stem Cell Research Protection Act, S. 876, would set forth a tightly defined set of ethical restrictions and NIH oversight for anyone in the private sector that undertakes somatic cell nuclear transfer in order to produce new stem cell lines.

Others, led by Senator BROWNBACK, have offered legislation that would effectively ban somatic cell nuclear transfer altogether, even purely for research purposes and even with tight ethical controls that will govern wholly private sector funded experiments.

One day we will have that debate. We will not have it today under the rules of this debate. As I will describe, those opposed to deriving additional stem cell lines through the somatic stem cell process also oppose using spare embryos as a source of additional stem cell lines and do so for the same basic argument.

The great topic of today's debate is whether it is ethical and proper for taxpayer funded scientists to use stem cells derived from embryos no longer needed in fertility treatment.

The process of in vitro fertilization consists of fertilizing a woman's egg in a laboratory and then placing the fertilized egg in a woman's womb so that gestation and childbirth can occur. This is what is done when couples have fertility problems. Although IVF procedures were very controversial when they were first developed and used back in 1983, over 200,000 Americans have been born through this technique that is widely accepted today.

Many had grave reservations about the IVF process when it was developed. Some of the fiercest opponents of IVF back then are also the most ardent opponents of S. 810. While I respect their views—and these are sincere and earnest individuals—I think they were wrong then and wrong now.

As part of the fertility treatment process, it is inevitable that there will be some test tube embryos that will not be needed and will never be implanted in a mother's womb. And let me be clear here, I believe that the highest and best use of a human embryo is to be used by loving parents to add to their family. I wholeheartedly support adoption of spare embryos and would give adoption precedence over use for research. I think most would agree with me on this.

But the fact of the matter today is that there may exist at any point in time more than 400,000 such unused embryos in the United States and each year tens of thousands of such spare embryos are routinely and unceremoniously discarded and destroyed. It is important to note that more than 11,000 of these embryos have already been used for research.

It is from these embryos that scientists have derived stem cell lines.

Here is how it works.

During the first few days of embryo development, whether in a mother's womb or in a Petri dish inside a fertility clinic, the fertilized egg—called a zygote—begins to divide and transform into a sphere of cells called a blastocyst. Depending on its stage of development, a blastocyst is comprised of about 30 to 150 cells. It is from the inner layer of the blastocyst that scientists can derive the unspecialized but pluripotent stem cells that hold so much promise.

As I said earlier, while there is some debate on this issue, the great bulk of the evidence and consensus view of leading experts is that, at this point in time, research on the embryonic stem cells holds at least as much, and probably a lot more, promise than research on adult stem cells and cord blood. That is because the experts believe that embryonic stem cells appear to be easier to identify and work with and appear to be more flexible than other sources of stem cells.

The sole purpose of H.R. 810 is to expand the number of stem cell lines eligible for Federal funding. If H.R. 810 passes and is signed into law, Americans will finally get the vigorous program of federally funded stem cell research complete with a rigorous system of Federal oversight of the ethical protections that the National Institutes of Health will place on this research.

The policy dispute that requires the legislative fix set forth in H.R. 810 revolves around the moral status of a spare embryo. Some, including President Bush and some in Congress, have reservations about using stem cells derived from embryos for research purposes. This concern is anchored in the perspective that human life begins at the moment of conception, be it in the womb or in the lab of a fertility clinic.

While I respect this view and those who hold it, I do not agree with it.

Let me say that I come into this debate as longtime, right-to-life Senator. I oppose abortion on demand. I think that Roe v. Wade was wrongly decided. I have worked to return the power to outlaw abortion from the courts to the states. In 1981, I proudly worked to report an anti-abortion constitutional amendment from the Senate Judiciary Committee.

In the 108th Congress, I served as chairman of the House-Senate Conference Committee that finalized long-overdue legislation to outlaw the barbaric practice of partial birth abortion. I was at the President's side when he signed this bill into law.

When it comes to a right-to-life philosophy, I do not take a back seat to anyone in this Chamber or the House of Representatives. I will put my pro-life track record up against anyone inside or outside of Congress.

When I considered the question of the moral status of stem cells created for, but no longer needed in, the in-vitro fertilization process, I did so from a long and fervently held pro-life philosophy.

I have discussed this issue with many experts in science and ethics on all sides of this issue. I spoke to many Utahns and other citizens about their views on this matter. I consulted books ranging from medical texts and the Bible.

I thought long and hard about this matter.

Sometimes, I simply prayed to God for guidance.

I take my pro-family, pro-life philosophy very seriously.

I believe the worth of each soul is absolute.

Accordingly, I reject any purely utilitarian argument that the promise of stem cell research is so great that the ends justify the means.

I do not think that research can ever justify the taking of even a single human life, no matter how frail or defenseless that person may be.

Let me just say that there is not a fairer or finer man in the U.S. Senate than my friend from Kansas, Senator SAM BROWNBACK. As he has attempted to frame the issue:

> The central question in this debate is simple: Is the embryo a person or a piece of property? If you believe . . . that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you have to believe that we must protect this innocent life from harm and protection.

After much thought, reflection, and prayer, I concluded that life begins in, and requires, a nurturing womb. Human life does not begin in a Petri dish.

I do not question that an embryo is a living cell.

But I do not believe that a frozen embryo in a fertility clinic freezer constitutes human life.

To my knowledge, as a matter of law, no member of the U.S. Supreme Court has ever taken the position in even a dissenting opinion, let alone a majority opinion, that fetuses, let alone embryos, are constitutionally protected persons.

I cannot imagine, for example, that many Americans would view an employee of a fertility clinic whose job it is to destroy unneeded embryos as a criminal—and a murderer at that. Yet this is a task that is performed thousands of times each and every year by hundreds of fertility clinic employees.

As well, the logical extension of Senator BROWNBACK's life-begins-at-conception view might be to criminalize the actions of a woman or her doctor from using, or recommending the use of, some longstanding forms of contraception that impede fertilized eggs from attaching onto the uterine wall.

I simply do not believe that passing H.R. 810 and allowing federally funded researchers to use new stem cell lines derived from spare embryos from fertility clinics is somehow ethical.

It seems to me that you would have to believe that the in vitro fertilization process was unethical to begin with if you believe that it is unethical to use spare embryos that would never be used for fertility purposes and were slated for routine destruction.

I find both fertility treatment and embryonic stem cell research to be ethical.

I believe that being pro-life involves helping the living.

Regenerative medicine is pro-life and pro-family; it enhances, not diminishes human life.

My friend and colleague, Senator GORDON SMITH, and I share a similar perspective on this important issue. Here is Senator SMITH's eloquent response to the concerns raised by our friend, Senator BROWNBACK:

> . . . when does life begin? Some say it is at conception. Others say it is at birth. For me in my quest to be responsible and to be as right as I know how to be, I turn to what I regard as sources of truth. I find this: ''And the Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul.'' This allegory of creation describes a two-step process to life, one of the flesh, the other of the spirit . . . Cells, stem cells, adult cells, are, I believe, the dust of the earth. They are essential to life, but standing alone will never constitute life. A stem cell in a petri dish or frozen in a refrigerator will never, even in 100 years, become more than stem cells. They lack the breath of life. An ancient apostle once said: ''For the body without the spirit is dead.'' I believe that life begins in the mother's womb, not in a scientist's laboratory. Indeed, scientists tell me that nearly one-half of fertilized eggs never attach to a mother's womb, but naturally slough off. Surely, life is not being taken here by God or by anyone else.

I find much wisdom in Senator SMITH's remarks and ask all of you to reflect upon his thoughtful and valuable perspective.

When the roll is called on H.R. 810, I will vote yea. I urge my colleagues to do likewise.

I applaud President Bush's decision to allow Federal funds to be used in connection with a limited number of stem cell lines that preexisted his August 9, 2001 speech. Frankly, I had hoped back in 2001 that President Bush would announce a more expansive policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to President Bush on this matter in June, 2001 on the issue of stem cell research as well as an accompanying letter to then Secretary of Health and Human Services, Tommy Thompson.

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

U.S. SENATE,
Washington, DC, June 13, 2001.

The President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge you to support federal funding of human pluripotent embryonic stem cell research. Upon substantial reflection, I find—and hope you will as well—that proceeding with this research is in the best interests of the American public and is consistent with our shared pro-life, pro-family values.

After carefully analyzing the factors involved, I conclude that, at this time, research on human pluripotent embryonic stem cells is legal, scientifically compelling, and ethically sound. I want to emphasize that my support for such research is contingent upon adherence to the applicable statutes, regulations and guidelines. For your information, I have provided a copy of my correspondence to Secretary Thompson that more fully explains my reasoning on this important matter.

Mr. President, one of the great legacies of your father's Presidency was the fall of the Berlin Wall which represented the victory of democracy in a 50-year battle with totalitarian regimes. Through sacrifice and love of country ''the Greatest Generation'' prevailed over both fascism and communism and proved more than equal to the challenges of the times. As a result, today the United States is in a unique position of leadership in the world. How America exerts this influence and invests our resources and energies will be observed closely by all of our global neighbors. It seems to me that leading the way in finding new cures for disease is precisely the type of activity that accrues to our benefit both at home and abroad.

In the opening days of your term in office, scientists have completed the task of sequencing the human genome. While this acccomplishment—the work of many in the public and private sectors—is of historical significance, it is only the end of the beginning in a new era of our understanding of the biological sciences, Over your next eight years in office, you have an unprecedented opportunity to provide the personal leadership required to see to it that your Administration will be remembered by future historians as the beginning of the end for such deadly and debilitating diseases as cancer, Alzheimer's, and diabetes.

To accomplish this, all promising and proper avenues of research must be explored. Throughout my career I have been proud to have worked with patients and families struggling with the daily realities of disabling high prevalence illnesses such as cancer, diabetes, and heart disease. As author of the Orphan Drug Act, I also am proud that over 200 drugs have been approved since this law was enacted in 1984 for such small population, but devastating diseases, as Hemophilia, Cystic Fibrosis, and ALS. In my 25 years of working to sustain and build America's formidable biomedical research enterprise, I have rarely, if ever, observed such genuine excitement for the prospects of future progress than is presented by embryonic stem cell research.

Mr. President, once you have considered the complexities of the questions at hand, I hope you will conclude, as other pro-life, pro-family Republicans such as Strom Thurmond, Gordon Smith, Connie Mack, and I, that the best course of action is to lead the way for this vital research.

Sincerely,

ORRIN G. HATCH,
United States Senator.

U.S. SENATE,
Washington, DC, June 13, 2001.

Hon. TOMMY G. THOMPSON,
Secretary of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my views regarding federal funding of biomedical research involving human pluripotent embryonic stem cells. After carefully considering the issues presented, I am persuaded that such research is legally permissible, scientifically promising, and ethically proper. Therefore, at this time, I support the use of federal funds to conduct research involving human pluripotent stem cells derived from embryos produced through the in vitro fertilization process. My support is, of course, conditioned upon such research being conducted in strict accordance with the relevant statutes and the protections set forth in the applicable regulations and guidelines, including those issued by the National Institutes of Health (NIH).

I am mindful that this is a matter over which reasonable, fair-minded persons may ultimately disagree. Despite this likely outcome, I believe it constructive for public dialogue to take place over this issue. For that reason, I recommend that you convene the National Institutes of Health Human Pluripotent Stem Cell Review Group (HPSCRG) or a similar expert advisory body to help bring resolution to this matter. The HPSCRG, to be chaired by Dr. James Kushner of the University of Utah, can become a key forum to provide information and advice for policymakers.

At the outset, let me be clear about one of my key perspectives as a legislator: I am pro-family and pro-life. I abhor abortion and strongly oppose this practice except in the limited cases of rape, incest, and to protect the life of the mother. While I respect those who hold a pro-choice view, I have always opposed any governmental sanctioning of a general abortion on demand policy. In my view, the adoption of the Hyde Amendment wisely restricts taxpayer financed abortions. Moreover, because of my deep reservations about the Supreme Court's decision in Roe v. Wade, I proposed—albeit unsuccessfully—an amendment to the Constitution in 1981 that would have granted to the states and Congress the power to restrict or even outright prohibit abortion.

In 1992, I led the Senate opposition to fetal tissue research that relied upon cells from induced abortions. I feared that such research would be used to justify abortion or lead to additional abortions. It was my understanding that tissue from spontaneous abortions and ectopic pregnancies could provide a sufficient and suitable supply of cells. Unfortunately, experts did not find these sources of cells as adequate for their research needs. Subsequently, the 1993 NIH reauthorization legislation changed the legal landscape on this issue.

Because of my strong pro-life beliefs, I am a co-sponsor of the Unborn Victims of Violence legislation that makes it a separate criminal offense to cause death of or bodily injury to unborn children. I also support the Child Custody Protection Act that addresses the problem of minors crossing state lines to obtain abortions in avoidance of home state parental consent or notification requirements. I have also helped lead the effort to outlaw partial birth abortion, a procedure I find to be particularly repugnant. I hope that the 107th Congress will succeed in adopting, and transmitting for the President's signature, legislation that will end late term abortions unless necessary to save the life of the mother.

I am proud of my strong pro-life, anti-abortion record. I commend the Bush Administration for its strong pro-life, pro-family philosophy. In my view research, on stem cells derived from embryos first created for, but ultimately not used in, the process of in vitro fertilization, raises questions and considerations fundamentally different from issues attendant to abortion. As I evaluate all these factors, I conclude that this research is consistent with bedrock pro-life, pro-family values. I note that our pro-life, pro-family Republican colleagues, Senators Strom Thurmond and Gordon Smith, as well as former Senator Connie Mack, support federal funding of embryonic stem cell research. It is my hope that once you have analyzed the issues, you will agree with us that this research should proceed.

THE LEGAL FRAMEWORK

After reviewing the relevant statutes and regulations, I conclude that there is no mandatory legal barrier under federal law to federal funding of research on human pluripotent embryonic stem cells. On January 15, 1999, the then-General Counsel of the Department of Health and Human Services, Harriet Raab, issued a legal opinion regarding federal funding for research involving human pluripotent stem cells. This opinion summarized the applicable law as follows:

''The statutory prohibition on the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells are not within the statutory definition. To the extent human pluripotent stem cells are considered human fetal tissue by law, they are subject to the statutory prohibition on sale for valuable consideration, the restrictions on fetal tissue transplantation research that is conducted or funded by HHS, as well as to the federal criminal prohibition on the directed donation of fetal tissue. Research involving human pluripotent stem cells excised from a nonliving fetus may be conducted only in accordance with any applicable state or local law. Finally, the Presidential Directive banning federal funding of human cloning would apply to pluripotent stem cells, only if they were to be used for that purpose.''

While some take exception to this reading of the law, I believe that it sets forth a permissible interpretation of the current state of the law with respect to research on human pluripotent stem cells. I would also note that while subsequent to the issuance of the HHS Legal Opinion in January, 1999 attempts have been and are being made to change the law, Congress has not passed a bill that has altered the legal status quo. For example, Senator Brownback and others have attempted to change the law to prohibit flatly such research on fetal and embryonic stem cells. On the other hand, Senator Specter and others have supported legislation that would expand the range of permissible federally funded research activities to include derivation of pluripotent stem cells from totipotent stem cells. The considerable disagreement over what the law in this area should be stands in contrast to the common understanding of how the law has been interpreted by the Department.

It is worth noting that NIH has a carefully crafted network of regulations and guidelines that govern stem cell research. These guidelines, finalized in the Federal Register, on August 25, 2000 (65 FR 51976) were the subject of over 50,000 public comments. Among the key provisions of these requirements are:

NIH funds may only be used for research on human pluripotent stem cells derived from embryos, if such cells were derived from frozen embryos that were produced for the purpose of procreation but subsequently were not intended to be used for that purpose.

No financial or other inducements, including any promises of future remuneration from downstream commercialization activities, may be used to coerce the donation of the embryo.

A comprehensive informed consent must be obtained that includes recognition that the donated embryo will be used to derive human pluripotent stem cells for research that may include transplantation research; that derived cells may be stored and used for many years; that the research is not intended to provide direct medical benefit solely to a donor and that the donated embryo will not survive the derivation process; and, there must be a distinct separation between the fertility treatment and the decision to donate the embryos for research.

The donation may not be conditioned on any restrictions or directions regarding the individual who may receive the cells derived from the human pluripotent stem cells.

All recipients of NIH funds to conduct stem cell research must comply with guidelines and all laws and regulations governing institutional review boards.

NIH funds may not be used to: clone a human being; derive pluripotent stem cells from human embryos; conduct research using pluripotent stem cells derived from a human embryo created solely for research purposes; conduct research that creates or uses pluripotent stem cells derived from somatic cell nuclear transfer; or, combine human pluripotent stem cells with an animal embryo.

If there is a need to further strengthen the applicable guidelines and regulations, this should be done. But let us recognize that there already exists a thorough and thoughtful regulatory framework to build upon. It should also be noted that these guidelines build upon an extensive body of earlier work of the National Bioethics Advisory Committee, the Advisory Committee to the Director, NIH, and a special Human Embryo Research Panel convened by your predecessor. At this juncture, it appears that NIH is developing its stem cell research policies in an informed fashion within an area of its expertise, and is operating within a statutory environment such that, once finalized, the agency's actions will likely survive legal challenge due to the deference the courts grant these types of decisions.

THE SCIENTIFIC OPPORTUNITIES

Scientific experts believe that stem cells have tremendous potential in benefiting human health. Stem cells are thought to be a unique biological resource because these cells apparently have the potential to develop into most of the specialized cells and

tissues of the body, including muscle cells, nerve cells, and blood cells. As the American Association for the Advancement of Science has characterized the promise of stem cell research: ''Research on these cells could result in treatments or cures for the millions of Americans suffering from many of humanity's most devastating illnesses, including Alzheimer's disease, diabetes, spinal cord injury, and heart disease.'' Potentially, stem cell research can help virtually every American family. It has been estimated that over 28 million Americans are afflicted with conditions that may benefit from embryonic stem cell research.

It is also worth noting in the pro-family context that stem cell research is of particular interest to pediatricians. Consider the views of Dr. Edward B. Clark, Chairman of the Department of Pediatrics, University of Utah School of Medicine:

''. . . I can assure you that the scientific promise of stem cell research is extraordinary.

''In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

''I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research.''

''We citizens of Utah are proud to be home of the Huntsman Cancer Institute at the University of Utah. The medical director of the Huntsman Cancer Institute, Dr. Stephen Prescott, advises me that in his expert opinion stem cells research 'is an incredibly promising area that has potential application in many different fields of medicine. One of these is in the treatment of cancer, particularly as a way to control the side effects following standard treatments.' ''

I am also aware that some believe, including highly-respected scientists and many of my friends and colleagues in the Right to Life community, that adult stem cells actually hold greater promise than embryonic stem cells and that research on adult stem cells should be pursued to the exclusion of fetal or embryonic stem cells. It is my understanding that, at the present time, the view that adult stem cell research is sufficient or even scientifically preferable to embryonic stem cell research is not the predominant view within the biomedical research community.

While I have great admiration for, confidence in, and strongly support America's biomedical research enterprise, and I believe that our policy should be made on the best science available, I am hardly one who invariably follows the lead of what some may term ''the science establishment.'' With Senator Harkin, I authored the legislation that created the Center for Complementary and Alternative Medicine (CCAM) at NIH and believe there is great benefit in encouraging challenges to scientific orthodoxy. Similarly, I authored the Dietary Supplement Health and Education Act that set parameters on how the Food and Drug Administration may regulate dietary supplements as well as establishing the Office of Dietary Supplements (ODS) at NIH. To be sure, the creation of CCAM and ODS had their fair share of critics at NIH and among mainstream scientists. So be it.

In parallel to funding research on human pluripotent embryonic stem cells, I believe it is essential to carry out significant research on adult stem cells. I strongly urge the Administration to continue to provide sufficient resources to investigate fully the utility of adult stem cells as well cells derived from adipose tissue.

Policymakers should also consider another advantage of public funding of stem cell research as opposed to leaving this work beyond the reach of important federal controls. Federal funding will encourage adherence to all of the safeguards outlined above by entities conducting such research even when a particular research project is conducted solely with private dollars.

I also think it important to recognize explicitly that the knowledge gained through biomedical research can be harnessed for critical pro-life, pro-family purposes. When one of our loved ones is stricken by illness, the whole family shares in the suffering. The quality of life for America's families can improve as strides are made in biomedical research. This is why we are making good on the bipartisan commitment to double the funding of the NIH research program by 2003. I commend the Administration for its leadership in allocating resources for this worthy pro-life, pro-family purpose.

ETHICAL APPROPRIATENESS

While society must take into account the potential benefits of a given technological advance, neither scientific promise nor legal permissibility can ever be wholly sufficient to justify proceeding down a new path. In our pluralistic society, before the government commits taxpayer dollars or otherwise sanctions the pursuit of a field of research, it is imperative that we carefully examine the ethical dimensions before moving, or not moving, forward.

I would hope there is general agreement that modern techniques of in vitro fertilization are ethical and benefits society in profound ways. I have been blessed to be the father of six children and the grandfather of nineteen grandchildren. Let me just say that whatever success I have had as a legislator pales in comparison to the joy I have experienced from my family in my roles of husband, father, and grandfather. Through my church work, I have counseled several young couples who were having difficulty in conceiving children. I know that IVF clinics literally perform miracles every day. It is my understanding that in the United States over 100,000 children to date have been born through the efforts of IVF clinics.

Intrinsic with the current practice of IVF-aidcd pregnancies is the production of more embryos than will actually be implanted in hopeful mothers-to-be. The question arises as to whether these totipotent embryonic cells, now routinely and legally discarded—amid, I might add, no great public clamor—should be permitted to be derived into pluripotent cells with non-federal funds and then be made available for research by federal or federally-supported scientists?

Cancer survivor and former Senator, Connie Mack, recently explained his perspective on the morality of stem cell research in a Washington Post op-ed piece:

''It is the stem cells from surplus IVF embryos, donated with the informed consent of couples, that could give researchers the chance to move embryonic stem cell research forward. I believe it would be wrong not to use them to potentially save the lives of people. I know that several members of Congress who consider themselves to be pro-life have also come to this conclusion.''

Senator Mack's views reflect those of many across our country and this perspective must be weighed before you decide.

Among those opposing this position is Senator Brownback, who has forcefully expressed his opinion:

''The central question in this debate is simple: Is the embryo a person, or a piece of property? If you believe that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you believe that we must protect this innocent life from harm and destruction.''

While I generally agree with my friend from Kansas on pro-life, pro-family issues, I disagree with him in this instance. First off, I must comment on the irony that stem cell research—which under Senator Brownback's construction threatens to become a charged issue in the abortion debate—is so closely linked to an activity, in vitro fertilization, that is inherently and unambiguously pro-life and pro-family.

I recognize and respect that some hold the view that human life begins when an egg is fertilized to produce an embryo, even if this occurs in vitro and the resulting embryo is frozen and never implanted in utero. To those with this perspective, embryonic stem cell research is, or amounts to, a form of abortion. Yet this view contrasts with statutes, such as Utah's, which require the implantation at a fertilized egg before an abortion can occur.

Query whether a frozen embryo stored in a refrigerator in a clinic is really equivalent to an embryo or fetus developing in a mother's womb? To me, a frozen embryo is more akin to a frozen unfertilized egg or frozen sperm than to a fetus naturally developing in the body of a mother. In the case of in vitro fertilization, extraordinary human action is required to initiate a successful pregnancy while in the case of an elective abortion an intentional human act is required to terminate pregnancy. These are polar opposites. The purpose of in vitro fertilization is to facilitate life while abortion denies life. Moreover, as Dr. Louis Guenin has argued: ''If we spurn [embryonic stem cell research] not one more baby is likely to be born.'' I find the practice of attempting to bring a child into the world through in vitro fertilization to be both ethical and laudable and distinguish between elective abortion and the discarding of frozen embryos no longer needed in the in vitro fertilization process.

In evaluating this issue, it is significant to point out that no member of the United States Supreme Court has ever taken the position that fetuses, let alone embryos, are constitutionally protected persons. To do so would be to thrust the courts and other governmental institutions into the midst of some of the most private of personal decisions. For example, the use of contraceptive devices that impede fertilized eggs from attaching onto the uterine wall could be considered a criminal act. Similarly, the routine act of discarding ''spare'' frozen embryos could be transformed into an act of murder.

As much as I oppose. partial birth abortion, I simply can not equate this offensive abortion practice with the act of disposing of a frozen embryo in the case where the embryo will never complete the journey toward birth. Nor, for example, can I imagine Congress or the courts somehow attempting to order every ''spare'' embryo through a full term pregnancy.

Mr. Secretary, I greatly appreciate your consideration of my views on this important subject. I only hope that when all relevant factors are weighed both you and President Bush will decide that the best course of action for America's families is to lead the way to a possible new era in medicine and health by ordering that this vital and appropriately regulated research proceed.

Sincerely,

ORRIN G. HATCH,
United States Senator.

Mr. HATCH. Mr. President, although at one time it appeared that as many as 78 stem cell lines might qualify under the President's policy, as many had feared, the number of lines that might be practically accessed today is no more than around a dozen at best. Moreover, all of these cell lines were

grown with so-called mouse feeder cells so could never pass muster with the FDA for use to make products for humans. Thus for the President's initial goals to be accomplished, new embryonic stem cell lines must be made available.

It has been over a year since he House has taken its historic action of passing H.R. 810 by a bipartisan 235-to-189 vote. I commend the leadership of Representatives MIKE CASTLE and DIANA DEGETTE for moving the bill through the House.

I must pay special respects to Senator ARLEN SPECTER and Senator TOM HARKIN for their dogged determination in conducting a series of some 15 oversight hearings on the issue of stem cell research since this breakthrough science was first reported in 1998. In fact, it was the work of the Specter-Harkin Labor-HHS Appropriations Subcommittee that developed the factual basis and legal analysis that resulted in the legislation that became H.R. 810.

At long last, today the Senate will finally vote on this important legislation.

I hope that it will pass and if it does, I will strenuously urge President to reconsider his position and sign this bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

Mr. HARKIN. Mr. President, I am awaiting the arrival shortly of Senator LAUTENBERG on our side, but in the meantime I thank Senator HATCH for the eloquent statement he made, to thank him for his long-time support of this endeavor to open more stem cell lines for research. It shows clearly, as I said earlier today, this is not a partisan issue. I see no real partisan cleavage lines anywhere. It was passed with a bipartisan majority in the House. The leader in the House was Congressman MIKE CASTLE, a Republican from Delaware. The Democrat was Congresswoman DIANA DEGETTE from Colorado. Our leader here is Senator SPECTER, leader on the bill, and I am his counterpart on the Democrat side. We have had great support from both sides of the aisle on this legislation. I don't cast it in any type of partisan terms.

There are those who obviously spoke yesterday very eloquently about their moral objections to using embryos. But, again, I point out this bill does not create any new embryos. All we are talking about is using the leftover embryos from in vitro fertilization and only if (a) the donors give their written, informed consent; (b) that no money changes hands; and (c) that the embryo will never be implanted in a uterus and will be discarded.

Fifty thousand healthy babies were born last year to couples who went to fertility clinics. Obviously, there are some embryos left over after that. They are frozen. After the parents have the children they want to have, they call the clinic or the clinic calls them and asks, do you want to continue to pay to keep these embryos frozen; and they say, no, we have our family. The clinic will then discard them. That is all we are talking about. Those embryos are going to be discarded, and with the donor's written, informed consent. They can say, no, I don't want them used for that, and then we wouldn't. You cannot induce anyone to do that by saying we will pay you for it. This clearly has to be kept in mind, that this is what we are talking about in this legislation.

Senator LAUTENBERG of New Jersey is here. I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Iowa. I ask I be notified when 4 minutes 30 seconds has passed.

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

Mr. LAUTENBERG. Mr. President, this is one of those debates that makes the American people scratch their heads and ask, what are those people in Washington thinking about? From the perspective of everyday people, this should not even be a debate. Of course we should fully fund research with embryonic stem cells because it has the potential to save lives and alleviate the suffering of millions of Americans. It is common sense.

But our President is a captive of ideologs and extremists of his political party. Nearly 5 years ago President Bush enacted a policy that made no scientific contribution, only political fodder for another election. He put a stop to the development of new stem cell lines for research. It was a devastating blow to Americans suffering from diabetes, cancer, Parkinson's, Alzheimer's, multiple sclerosis, and other injuries and diseases.

For many years, I have met with children stricken with juvenile diabetes. We have established friendships, their parents and I, and the children and I. These children ask their parents, brothers, sisters, and me why the President won't allow research to move forward so their disease can be cured. There is no decent answer I can give them.

When I ask them what the worst thing about living with diabetes is, they respond plaintively, begging for help, so they can stop drawing blood from their finger six times a day. They are pleading to live their lives like other kids. One child said he is forbidden something so simple—to sleep at other friends' houses—because of the fear that he will go into insulin shock.

I promised these kids I would do everything I possibly could to get the message to the President of the United States, to help us find the cure for them. Today we have an opportunity, finally, to help these children.

It has been over 1 year since the House passed this bill. Why the delay? There is no comprehensible reason. All we know is that people wanted to obstruct this discussion today. We can only wonder how many people have had their hopes dashed and their spirits broken during that wasted year.

Americans in large majorities support stem cell research. I don't understand this ''fiddling while Rome burns'' policy. Seventy-two percent of Americans register support for embryonic cell research, a 3-to-1 margin over opposition. One of the most outspoken supporters of stem cell research is former First Lady Nancy Reagan. She spent 10 years watching her husband's memory fade from life, probably not even recognizing her. I have friends whose parents do not know who they are.

Virtually every major medical, scientific, and patient group supports embryonic stem cell research. In my home State of New Jersey, support for stem cell research is overwhelming. We were the second State after California to authorize embryonic stem cell research. Unfortunately, President Bush has cut off Federal funding for those projects.

My colleague Senator MENENDEZ and I recently visited the Coriell Institute in Camden, NJ. They are not well known, but they were founded in 1953 and hold the world's largest collection of human cells for research. Coriell has everything in place to find cures and help millions of people. But there is one problem: President Bush is undermining their efforts with his irrational policy on stem cell research.

Because of the scarcity of embryonic stem cell lines caused by his Executive Order, the Coriell Institute in New Jersey had to go overseas to the Technion Institute in Israel to get access to an embryonic stem cell line so they could continue their research.

The President denies hope to millions of people based on his standard of ''ethics and morality.'' But what is ethical about denying a cure to children suffering from diabetes? What is moral about denying paralyzed people the chance to walk again?

Any real, ethical issues are addressed by this bill. New stem cell lines will come from embryos donated by fertility parents under strict guidelines. There will not be embryos created for research.

What we are talking about in this bill are embryos that would otherwise be disposed of—thrown away.

I believe compassion and common sense must prevail over rigid ideology

If we pass this bill, I understand that the President intends to veto it. That would be a terrible and tragic mistake.

President Bush has never vetoed a bill. In the nearly 6 years of his Presidency—not one veto.

What would it saw to the American people if his first veto was of a bill that could save millions of lives?

And I say to the American people: don't be fooled by the sleight of hand we are seeing today. There are three bills being considered but only one of them matters.

The other two bills are part of a shell game. They are there to give President Bush something to sign.

But will those two bills do much to help the American with a shaky hand from being cured of Parkinson's disease?

Will those two bills make real strides toward relieving a child with diabetes from the constant shots of insulin? I don't think so.

Only one bill can do that—the House stem cell bill. Let's vote to approve it.

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

Mr. LAUTENBERG. Mr. President, I hope our colleagues will look in the faces of their children and their grandchildren and say: We do not want them to be sick. And if they get sick, we want to help them. I hope this bill will pass overwhelmingly.

Mr. HARKIN. Mr. President, I yield 9 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, thank you very much. And I thank the Senator from Iowa for his real leadership on this issue.

This Stem Cell Research Enhancement Act debate is one of the most important debates the Senate will have in this year and in this decade. I believe this is such a great opportunity to be able to save lives. I believe it is like when we announced the endeavor to map the human genome, like when we announced the national war against cancer. That is how important this issue is.

I am a firm, unabashed supporter of stem cell research. It is a cornucopia of opportunity for new breakthroughs for some of the diseases that are the most devastating and costly conditions facing thousands of Americans, including Alzheimer's disease, from which my father died, diabetes, of which our family faces an inherent propensity, spinal cord injuries, which we see through accidents like Christopher Reeve had, and spina bifida, from which little children suffer.

Stem cell research has the potential for saving lives, and we need to be able to pursue it. I also would urge that this research be done in the sunshine. One of the reasons we need a national framework is so it will not be done in dark corners of the world without the United States of America participating.

We need a national framework to establish bioethical standards based on sound science and ethical principles. I fear that without national standards and national legislation, this could be conducted outside of the public eye, without national and international scrutiny, where dark and ghoulish things could occur.

One of the reasons I came to the Senate was to help save lives. In my home State, we are the home to the National Institutes of Health, the Federal Drug Administration, the University of Maryland, and also Johns Hopkins University. I, every day, know that in my own home State they are working on new ideas for new cures. Whether it is to ensure that women have accurate mammograms to diagnose breast cancer, streamlining the drug approval process so that lifesaving drugs can reach patients more quickly, or fighting to double the budget at NIH, we have consistently fought to improve the lives and health of the American people.

This is why I am such an advocate of stem cell research. It holds the potential to prevent, diagnose, and treat diseases, such as Alzheimer's disease, Parkinson's disease, heart disease, all those autoimmune diseases, such as MS and spinal cord injuries.

Just imagine if scientists could find a cure or the cognitive stretchout ability for Alzheimer's. Even giving individuals with a disease a longer mental capacity would be a big breakthrough. Eighty percent of Medicaid costs go to paying for long-term care for seniors. Eighty percent is primarily spent on Alzheimer's and Parkinson's. Think of just the financial savings we could have, let alone dealing with the tragedy in lives.

I, along with Senator BOND, am the lead sponsor of the Ronald Reagan breakthrough legislation to sponsor breakthroughs. We have spoken personally with Nancy Reagan, and she has endorsed this legislation, just as Senator LAUTENBERG has talked about. We need this opportunity to pursue the opportunity.

If we do not have national legislation, we are going to do it one State at a time. California has done it. My own home State of Maryland has done it. But do you know what. There is $30 million here and $30 million there, but we do not have national standards, which means, can we replicate the research? Can we have international cooperation?

For too long, this Federal health research has been operating with one hand tied behind its back. Scientists have been prohibited from doing embryonic stem cell research.

Five years ago, President Bush restricted Federal funding for embryonic stem cells. He said: Oh, we have these little lines, these little stem cell lines.

Those little stem cell lines did not turn out very well. The result is, federally funded research was almost halted. Stem cell research is conducted by private entities, and there are no national Federal bioethical standards.

I want bioethical standards. I want to ban human cloning. I want to make sure the ghoulish is not done in laboratories.

I support the other legislation. We should not turn this into financial opportunity. We should sign it into pure opportunity.

What I like about this legislation is that it removes the restrictions imposed by the Bush administration, but it does provide for an ethical and medical framework and allows for sound science and sound ethics to be able to proceed. This ensures transparency and public accountability. But most of all, it ensures opportunity.

When my father was in that nursing home and he could no longer recognize me or the woman to whom he had been married for 50 years, it did not matter that I was a Senator. There was no cure for Alzheimer's. It did not matter that I could get five Nobel Prize winners on the phone because they did not have the answer.

My father, when he passed away, was a modest man. He would not have wanted big, lavish testimonials. What he would have liked to have had was the fact that I cared enough to look out that no family would go through what we went through. And whether you were the First Lady of the United States, like Nancy Reagan, and the first caregiver, or my mother, who was by my father's bed when he passed away, we watched what that disease did. And now I will not stand patiently by and watch the opportunity to find a cure pass by.

So let's remember President Reagan. Let's remember the little guys like Mr. Willy, who ran a grocery store in Highlandtown, and who looked out for his neighbors and for his girls, as he called his daughters. Let's look out for the American people and pass stem cell research.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. HARKIN. Mr. President, I yield the remainder of the time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I welcome this vote on such an important piece of legislation, the Stem Cell Research Enhancement Act. As we have heard eloquently from my colleagues on both sides of the aisle, stem cell research holds the promise of new cures and treatments for countless diseases and millions of Americans with chronic, incurable conditions.

The wide range of applications for stem cells may lead to unparalleled achievements on behalf of research concerning Alzheimer's disease, as my friend and colleague, Senator MIKULSKI, so passionately described with respect to her own family and her own experience; spinal cord injuries, like my dear friend Christopher Reeve; diabetes, and other conditions.

For example, in my State of New York, research at Memorial Sloan-Kettering Cancer Center has shown real

promise for the use of stem cell research in bone, cartilage, and muscle replacement therapies. At Columbia University researchers have shown that stem cells can develop into neurons, special nervous system cells that would allow us to actually treat vision loss. Other scientists at Columbia University and at the University of Rochester Medical Center are working to cultivate stem cells into spinal cells that control motor function as possible treatments for ALS, otherwise known as Lou Gehrig's disease.

And researchers from Rockefeller University, also in New York City, have explored ways in which stem cells can be used to develop dopamine-producing cells which could help Americans living with Parkinson's disease who experience a decline in these types of important cells.

A broad consensus in New York and across our country has brought us to this debate and vote. There has been an upsurge of demand. It has crossed every line we can imagine, certainly partisan lines, ethnic, racial, geographic lines. People in every corner of our Nation are demanding that we in Washington open the doors to this promising science.

It is long overdue, but finally we are at this point. My friends, Christopher and Dana Reeve, whom we have lost in the last several years, were eloquent, passionate advocates for this research. Christopher, from his wheelchair, performed his greatest role. He may have been Superman in the movies, but he was a super human being after his accident which paralyzed him, consigned him to a wheelchair to help with his breathing and respiratory functions. But he never gave up.

He launched his greatest battle to try to bring our Nation to the point where we would take advantage of the science that is there. He worked and struggled on behalf of all who might benefit from stem cell research and other scientific breakthroughs.

His brave, beautiful wife Dana, who passed away just this past March, showed a devotion to her husband and her son that was just inspirational. She, too, continued Christopher's work through the Reeve Foundation. And I know that both of them are looking down upon this debate and so pleased and relieved that this day has come.

As I travel around New York, I run into constituents who speak to me about this issue. They are living with type I diabetes or their children are. They are suffering from Parkinson's. They have a relative who is struggling with Alzheimer's. They are paralyzed from an accident, as Christopher was. And they believe that this holds promise for their lives, for their futures, and if not for them in their lifetimes, certainly for their children and their grandchildren.

Yet we know that the work of researchers in New York and across our country has been stymied, has been held back by the ban on certain kinds of scientific research. In 2001, when President Bush put a stop to all Federal funding for this type of research, it was limited to using already existing stem lines, which has proven to be a barrier to scientific advancement. We only have 20 lines, not 70 as was advertised, that scientists can use. And the utility of these lines has been outstripped by the scientific advances made in the past 5 years.

But the ban still stands, and we have to pass this legislation. The House already did. We are now joining with the House. We need to have additional stem cell lines in order to pursue the promising avenues for research. I am worried the President has signaled he intends to veto this legislation, the first veto he will use since he has been President.

This research is not standing still around the world. We are looking at other countries putting billions of dollars into supporting stem cell science. They are creating establishments of all kinds, centers of research, special clinical centers because they know they can attract scientists from the United States who will come to pursue this research. We are losing ground instead of doing what Americans do best, leading the world in innovation, ingenuity, new ideas.

We can send this legislation to the President's desk, as I anticipate us doing after our vote this afternoon. And then the President has a decision to make: Will he support the scientific community at this moment of unequaled optimism and discovery or will he set us back?

I am going to support the other two bills that are going to be before us as well because I think we have to clearly put an ethical fence around this research, send a very clear message about what is permitted and what is not.

Right now we have no Federal laws prohibiting the worst of some of this research. That is one of the results of the fact that we have an Executive order, but we don't have any legal prohibitions on some of the worst things people might decide to do. I think it is important that we have a strong ethical stand, a strong legal stand, strong prohibitions and penalties for people who don't pursue research in the way that we set forth.

But we cannot make the progress that we need to make for the sake of new treatments, new discoveries, and new hope for countless millions of people who are alive today and are suffering, for those born with diseases and conditions that could be ameliorated or even cured.

This is a delicate balancing act. I recognize that and acknowledge it. I respect my friends on the other side of the aisle who come to the floor with grave doubts and concerns. But I think we have struck the right balance with the legislation we will vote on this afternoon. I think we will make a serious mistake if the President vetoes this measure and sets this research back.

Mr. President, I hope we will pass it with a large margin, and I hope that the President will allow it to become law so we can, once again, stand for those who need this help to face the suffering that they encounter while living day-to-day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, the majority yields 10 minutes to the Senator from Louisiana, and the Senator from Kansas will follow him.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to speak in opposition to H.R. 810, the Stem Cell Research Enhancement Act. First of all, I join with everyone in the Senate—in fact, everybody around the country—in saying that, of course, we want to further research and opportunity for the cure and the treatment of very serious illnesses. Of course, we want to do everything possible, within a strong ethical framework, to push for that scientific research and that progress. But at least I want to do that in a clear, certain, ethical framework. That is why I must oppose the details of the provisions of H.R. 810.

Mr. President, I oppose it on two significant grounds. First of all, because one of my solemn duties in the Senate, I believe, is to protect and defend all human life—every case of human life, the beauty, the sanctity, and the importance of the individual which God has created.

Secondly, I do this in particular focusing on the fact that we are talking about the use of taxpayer dollars. We are not merely talking about what is allowed and disallowed. We are talking about the use of taxpayer dollars for specific purposes, when some of these types of research are so utterly controversial in terms of the impact on individual human lives.

Mr. President, a human embryo is a human life. I believe that to the core of my being. It is at the initial stages of life and development, of course; but an embryo is a human life. Each and every one of us began as an embryo. Therefore, I firmly believe neither Congress nor independent researchers, nor any human being, for that matter, should be allowed to, in effect, play God by determining that one life is inherently more valuable than another, determining that one life should essentially be sacrificed for some other purpose, to advance the welfare of other separate human lives.

Of course, supporters of embryonic stem cell research argue that this research only kills embryos that would be discarded anyway. But there are many cases that prove otherwise, where embryos have been adopted while still embryos or donated to infertile couples by their parents.

We know that as many as 99 families have adopted and given birth to children from those very same frozen embryos. These kids are often referred to

as ''snowflake babies.'' They are beautiful, they are miracles. They remind us that, of course, we are talking about human life. How can we justify killing these tiny humans by saying that these embryos would be discarded anyway, when there is proof that, in some cases, they are not discarded, they are adopted. They grow up to be full, mature, healthy children, human beings.

Supporters of embryonic stem cell research argue that this research is essential to curing many diseases and federally funding it is our only hope for curing diseases. I point out that there are many other alternatives. In fact, those alternatives are more promising, in many ways, than the type of research we are debating today. The facts show that adult stem cells have been used to perform at least 69 successful treatments for human patients. So we have 69 treatments in human patients using adult stem cells which do not require the taking of human life. These were clinical applications, successful applications.

What is the experience in terms of embryonic stem cells? Zero successful treatments in human patients, zero direct clinical applications.

There have been 25 years of this research, and there are still no successful direct human clinical trials, and there have been many stops and starts and complications with regard to other research.

The following are some disorders and diseases with treatments from adult stem cell research that are worth noting: brain cancer, testicular cancer, ovarian cancer, skin cancer, acute heart damage, multiple sclerosis, rheumatoid arthritis, spinal cord injury, stroke damage, Parkinson's disease, chronic liver failure, sickle cell anemia, end-stage bladder disease. Again, these were not just promising but successful in many cases—human clinical trials that directly focus on these very serious diseases.

So if one weighs all of these factors in the balance, I truly believe that the thing to do is to respect all human life, to respect the very heartfelt feelings of millions upon millions, tens of millions of Americans who have fundamental problems with this sort of research. Again, it is worth underscoring that we are not debating whether this research can happen. We are debating if we are going to use taxpayer dollars to fund it, if we are going to forcibly take money from those Americans who, like me, have fundamental moral reservations with the research and spend it on that very research.

I am happy to say that there is other legislation that we are considering today. I strongly support those two other bills. First of all, the Fetus Farming Prohibition Act, S. 3504, which prohibits the creation and gestation of human beings for the purpose of harvesting spare organs, body parts, and tissue. Many people think fetus farming sounds akin to something out of a science fiction movie, and it does. But it is already being explored in animals. This is something that is advancing scientifically. Congress must prevent science from subjecting human beings to organ, body part, and tissue harvesting before it is too late.

The second bill which I proudly support today is the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754. It requires that the NIH support research into alternative methods, other than destroying human embryos, of creating pluripotent stem cells. These pluripotent stem cells are valuable for treating diseases because they are capable of forming most or all of the tissues of the adult body.

So, again, this would forge a new path to make sure we explore other avenues to create these stem cells that do not involve the destruction of precious embryos, human beings, human life. I believe this alternative path is far more productive. I believe it is far more in keeping with upholding the values of our society, the very strongly held belief of tens of millions of Americans who, like myself, have fundamental moral reservations with the destruction of individual human life for these other purposes.

So I urge all of our Senate colleagues to join me and others in supporting those two bills about ethical alternatives but in opposing this underlying bill, H.R. 810, because it would involve the destruction of individual, precious embryos, human life.

Mr. President, I don't come to this conclusion quickly or easily or rashly. Similar to virtually every American family, mine has been touched by very serious diseases to which this research pertains. My dad had Parkinson's disease. He suffered with it for about 8 years. It was very debilitating and, of course, eventually, similar to most folks with Parkinson's disease, he passed from that and complications of it. With that personal history, of course, I want to advance research in every ethical way possible. But we must do it, again, in a strong, moral framework. We must do it within clear, reasonable bounds, particularly when we are talking about taxpayer funding of research.

I believe that defeating H.R. 810—but also passing the two bills that set up alternative paths toward promising research—is the correct way to proceed. I urge all of my colleagues to join me in adopting that path.

With that, I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask the Chair to advise me when I have 2 minutes left. I want to start with a picture of Dennis Turner because this is a real-life case of Parkinson's disease. The prior speaker, Senator VITTER, talked about his dad dying of Parkinson's disease; it is a terrible disease. It is incredibly debilitating. I met with a friend of mine last week who has something similar. It is not Parkinson's, but it is also debilitating.

Dennis Turner testified at a hearing we had in the Senate Commerce Committee. He had been cured of his symptoms for 5 years. We had difficulty getting him in because he was out doing fun things such as safaris. After a period of 5 years, the symptoms started to return. He had received an adult stem cell therapy, not embryonic stem cell therapy. His symptoms went away for 5 years, and then they started coming back. He needed to have another treatment; he could not get it. International doctors—to try to get their help and support, we need to fund that type of work, which is working, for people like Dennis Turner.

My colleagues say we need to do this with embryonic stem cell research, that that is going to cure Dennis, Dennis Turner will be cured that way. I want to remind some of my colleagues that they said this about fetal tissue research about 10 years ago in this debate. In 1993, this was a typical statement debate at that time:

There is substantial evidence that fetal tissue research—

Taking a human embryo, fetal tissue, and let's work and mold and work with this and put it inside a person, and let's deal with issues like Parkinson's this way.

—will offer new hope of prolonged life, greater quality of life, perhaps one day even a cure for many of these diseases, and a tremendous economic and social cost-saving to the country.

So we funded fetal tissue research for a long period of time, like we are funding embryonic stem cell research, to the tune of half a billion dollars over the last 5 years in human and animal models.

We funded fetal tissue research. Now, this is tissue and cells that are further developed than embryonic cells. They are further differentiated and they are more stabilized, so they go off in fewer tangents. So if they are put in some particular area of the body, like they come from the brain, from the fetal tissue, and you put them back in the brain, they are more stable. We did this research. We funded this. We even tried it in humans, to disastrous results—disastrous results.

This is Parkinson's research set back by failure of fetal cell implants. Disastrous side effects are the quotes from the people who did the testing. Absolutely devastating. It was tragic, catastrophic. It is a real nightmare. And we can't selectively turn it off. My goodness, this is strong wording that is taking place, to be catastrophic for fetal cell implants. Catastrophic? What happened? These cells, the fetal cells, formed tumors, and in some cases these tumors, they were implanted in the brain, the fetal cells implanted in the brain, and these tumors ended up being fingernail or hair that was in the brain, and we can't selectively turn it off.

Think about this just for a minute, if we could. Everybody is saying we want to cure people. I want to cure people. If we have a route that is working in 72 different disease areas with the adult

cord blood—and here is real research we funded. We tried it in humans even, with fetal cells. These are further developed cells than embryonic. They formed tumors, to disastrous results in Parkinson's patients.

Yesterday, I entered into the RECORD a series of six one-page—this is the front-page summary of peer-reviewed articles on the formation of tumors using embryonic stem cells, and these were all articles saying: OK, we use embryonic stem cells; they formed tumors.

Now, I am not a scientist, but it seems that if you got it in fetal tissue, which was further developed cells, and you found out that these are wild and they grow too fast and they form in other areas, and you back it up to embryonic stem cells and they are even younger, more malleable, and less formed, and we now have research saying they are forming tumors, you would look at that and say: Well, I don't think this is working particularly well.

Now, it is interesting science. We may learn something of how the cell works in this process. I don't deny that at all. But if I am looking for a cure for Dennis, and I have—I want a cure for Dennis. I want something that works for him, and he has had a treatment that has worked for 5 years in him, in the adult field, and I have research that says, in the embryonic field, it is going to form tumors, and I have research earlier in fetal tissue that says it did form tumors in humans, how am I going to cure Dennis in this case by putting more into embryonic stem cell lines, taking precious dollars from adult stem cell work and cord blood and putting it into a speculative field, the embryonic field, which is producing no results and, in fact, the results it is producing are producing tumors? That doesn't seem to make much sense to me as far as how we would invest these sorts of dollars.

People are talking about spinal cord injuries, and I think we should because we are going to deal with this area. I hope that in the next 10 years we are going to see for people, once they get a spinal cord injury, there is an immediate therapy they have and it starts to knit that spinal cord back together, so they are not waiting years and letting it further atrophy but immediately there is a therapy.

The therapy you see right here in Jacki Rabon—I have had her in to speak at a press conference. This was a spinal cord injury accident—paraplegic from the hips down. Now she has feeling in her spinal cord. She had to go overseas to get this treatment. It should have been done in America. It wasn't. Adult stem cells from the base of the nose—olfactory—taken, harvested, and put in. She is getting feeling. My guess is she is going to need several treatments.

Now, one of the greatest dismays we have is that a number of people are citing a rat model that has been shown on television of embryonic stem cells helping a rat to walk again. And that is fine. I am glad people are showing it. But a lot more people know about this rat model than know about Jacki Rabon. It seems as if there has been a media blackout on the adult stem cell successes and treatments and cord blood, and this rat has gotten all the publicity, even though we know that if you do this in humans, you are going to form tumors. Why? Why wouldn't we embrace what is working and has no ethical problem?

I wish to close this section with a letter from a child. This is the first snowflake baby. This was a frozen embryo that was adopted—Hannah. She wrote this last year. It is her letter. She is a pioneer. She says: ''We're kids. I love you.'' X's and O's—hugs and kisses. I love these letters. When my youngest daughter Jenna does them, they are absolutely precious. Then she draws three faces. This is her face as an embryo. She is happy. She got adopted. She is no longer frozen. Here is a sad face as an embryo that is still frozen, and her explanation of this letter is he is sitting there frozen, hoping somebody adopts him. Here is a third face with a straight line, and her explanation is this is a young embryo saying: What, you are going to kill me?

This is a child's explanation of a frozen embryo. A frozen embryo that is life, that is human life. If you destroy Hannah at this stage, you don't get any sweet letters from Hannah to her parents. And we have a lot of frozen embryos.

We are saying: Well, let's make some utility out of them. Isn't that against human dignity, to say, We will just research on this, when this could be this child? This is this child? We don't need to do it. Even the research we are funding in this area isn't working.

I ask my colleagues to vote against H.R. 810.

I yield the floor.

Mr. SMITH. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to a lot of debate today, and I have heard a lot of statements. Let me just go through a few.

Cures are not around the corner; that is right. Embryonic stem cell groups are now starting to realize they have years upon years upon years to offer any hope of cure of any disease using embryonic stem cells.

Yesterday in the debate, I challenged those on the other side of this issue to deny the fact that the only way we will ever have a treatment will be that you will have to clone yourself to be able to get a treatment. Nobody has refuted that, and the reason they can't refute that is because that is the only way embryonic stem cells will ever be successfully used to treat a human condition. You will have to clone yourself. That raises all sorts of other ethical conditions.

The fact that cures are not around the corner with embryonic stem cells belies the fact that cures are here with adult stem cells, with cord blood stem cells, and it belies the fact that we are not recognizing the latest advance just available in the last 6 months, confirmed in Germany, of what is called germ cell pluripotent stem cells. They can make any type of cell, and it makes sense. What has been constant through the history of man that has survived? The ability to propagate and to repeat the species. And the unique thing about germ cell pluripotent stem cells is they come from both the testes and the ovaries of us, and we can capture from ourselves pluripotent stem cells that do all the things and have all the potential that an embryonic stem cell might have.

The real question before us is, If there was a way for us to establish this research and avoid any ethical questions, wouldn't we all want to go there? And what I am putting forward today is that way is here today. That way is here. The scientific community, in terms of their money-raising and fundraising and grant-seeking, hasn't caught up with it. But mark my words: The real research in the pluripotent stem cells, those that can do anything and regenerate themselves and also have the advantage of not creating teratomas or tumors, are going to be the germ cell pluripotent stem cells. It is important for us to look at it.

Another quote: It won't involve cloned embryos. The only way a stem cell therapy from an embryonic stem cell can work for you is in one of two ways: you either clone yourself, and you will still have some problems with rejection, or you will get from multiple, multiple lines a close match.

I wanted to ask the leader yesterday—his biggest problem as a heart-lung transplant surgeon is the availability of organs, No. 1, and rejection, No. 2. The wonderful thing about adult stem cells is there is no rejection because you are giving yourself your own cells. The same thing will be true of germ cell pluripotent stem cells. There will be no rejection because you are giving identical DNA to yourself. All the other treatments with embryonic stem cells will have rejection as a component of their treatment. So is it a wonder that we want to research the miracles of life and look at this? No. It is great research that should be going forward.

But it is not true that there is not embryonic stem cell research going on in this country outside of the Government and around the world. The question is, Are we going to use taxpayer money to do additional research?

The other question that I raised is, Where is the money up to now going? The people who are investing outside of Government grants, where is the money going in terms of research? It is not going into embryonic stem cell research. It is going into every other type of research where they can actually see treatments.

Senator HATCH talked about heart disease. We now know that if you have had an infarct and you get a bypass and you are injected with your own stem cells, a good portion of your scar goes away and the generation of new blood vessels around the heart is accelerated and accentuated to the degree of about 70 percent more than your body would naturally do, if you are injected with your own stem cells at the time you get your bypass. We are curing heart failure with adult stem cells today. We are curing new vessels in the heart.

There is recent research in the last 6 months where we are treating lung disease—pulmonary fibrosis. CHARLIE NORWOOD, a Congressman from Georgia, has had pulmonary fibrosis and has had a lung transplant. In 5 years, somebody with pulmonary fibrosis will be cured with their own stem cells—not with embryonic stem cells, with their own stem cells—and they won't have a problem with rejection. Yet CHARLIE has to take drugs to keep from rejecting the lung transplant that he has.

Over time, we will recognize the value of what is really happening today in terms of treatments. We don't want the false promise. There is no question some great things will come out of embryonic stem cells. I don't deny that. But if we could do it a different way, if we could do it in a way where we didn't approach the ethical question, almost everybody would agree, let's do that. What I am saying is that is coming today.

Other quotes: Researchers have been prohibited from doing research on embryos. That is not true. That is not true. There is research ongoing today, with $41 million of your money last year on embryos. We haven't prohibited the research. We have said it is going to be limited. This bill, H.R. 810, says: There is no limit. Whether you agree with it or not, your money is going to be used to go in this direction.

I have not approached the ethical issues on pro-life—I am pro-life, but I am not claiming that as a defense on this issue. I am claiming that the smart science will avoid it and look at where the benefits are. There is no question.

I wish to quote from Lord Winston, the most prominent fetal embryonic stem cell researcher in England: ''I view the current wave of optimism about embryonic stem cells with growing suspicion.''

He says we have overpromised. He is right. It is going to be decades before a response comes from embryonic stem cells. There is not one viable treatment with embryonic stem cells in an animal model today, let alone a human model. There are hundreds in animal models and there are 72 in humans. To me, this is an easy question which doesn't have anything to do with ethics. Put the money where the results are. The results are here. I will promise you, germ cell pluripotent stem cells will be the end-all for our ethical question. It is just a shame that the politics isn't up with the science.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Under the previous order, the majority still has 2 minutes remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the minority is in control of the next 30 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator.

I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act of 2005, which is a bill that will expand the number of stem cell lines that are eligible for federally funded research ensuring that scientists at NIH and laboratories around the country have access to new, uncontaminated stem cell lines. America's best scientific minds have told us that harnessing the power of these cells could one day lead to a cure for a number of diseases that afflict families all across our country.

Nearly every family in America has experienced the tragedy of watching a loved one suffer through a deadly or debilitating illness. Diseases such as Parkinson's and Alzheimer's take a terrible toll on families' lives and livelihoods. While we have made great strides in biomedical research in recent years, we still do not have all the keys to unlock the secrets of disease.

Today the Senate has the opportunity to reach across partisan lines and touch the millions of individuals and families who suffer the ravages of diseases such as Parkinson's and Alzheimer's. We are not researchers, but today we can give our best researchers the material they need to understand these diseases. We are not doctors, but today we can give our best doctors the weapons to fight back for their dying patients. And we are not patients—at least not yet—but today we can give patients hope for not just relief but a cure.

The University of Wisconsin at Madison was the first to isolate the human embryonic stem cells that have the ability to develop into virtually any cell type in the human body. They have stated unequivocally that they need H.R. 810 in order to continue their groundbreaking work. Without H.R. 810, they fear America will fall behind the rest of the world in medical and biotechnical research.

We all understand that this research is not without controversy. I respect the concerns that some have about the use of embryonic stem cells. We must closely monitor this research to ensure that it is done ethically, and our passage today of S. 3504 and S. 2754 demonstrates the unanimous bipartisan commitment to do just that.

We must step carefully, but we also must step forward, and that is what H.R. 810 is all about, opening new cell lines so we can move forward toward new understanding, new hope, and new cures.

Last year, the House took that step forward decisively and in a bipartisan manner, and so this year it is our turn. It would be unconscionable for our Government to turn its back to the discoveries that expanding stem cell research promises. Now more than ever it is important to grasp this opportunity in an ethical manner by making sure that potentially lifesaving research does not slow or stall.

We may not be in the laboratories where scientists are working around the clock to develop new vaccines, treatments, and cures. We may not be in the hospitals diagnosing and caring for the sick and the infirm. But today the Senate will openly decide to stand with the scientists, doctors, and patients. I urge my colleagues to look past the politics of this debate and embrace a promise of progress.

With that I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair. I thank the Senator for yielding.

I, too, Mr. President, come to the floor today with tremendous respect for the sensitivity of this very critical issue that we in the Senate and in the Congress have worked so diligently to ensure—that we not only respect the sensitive nature but that we also look toward the possibilities of what we can do for the constituents we represent.

I am very pleased that the Senate is debating stem cell research, and particularly H.R. 810, the Stem Cell Research Enhancement Act, and I thank the majority leader, Senator FRIST, for scheduling a vote on this very important bill today.

I am a proud cosponsor of the Senate companion bill, S. 471, because it offers new hope for patients, for grandmothers and grandfathers, children, daughters, mothers, fathers, and for their families who love them so dearly.

Four years ago I watched my mother give her utmost of devotion to the man she had loved—and still loves—and shared her life with for more than 52 years. She had pledged to care for him and to honor his life until he departed this world, even if he no longer remembered her name or could recognize her face. My sweet father suffered from Alzheimer's disease. My sisters and my brother had been by his side helplessly for years watching as, first, he lost the

most precious of all things, his memory, his ability to see his family and to remember the cherished moments that we had spent as family, and then, unfortunately, also, the dignity of life, in his ability to care for himself. My mother's commitment to my father during his long illness remains a tremendous source of inspiration to me and to the rest of our family.

Unfortunately, my family's experience with the ravages of Alzheimer's is not unique. Millions of victims and their families are suffering from debilitating diseases such as Alzheimer's, Parkinson's disease, diabetes, heart disease, multiple sclerosis, burns, and spinal cord injuries. Fortunately, we have within our power the potential to relieve their suffering and the possibility of cure.

I believe embryonic stem cell research conducted ethically and under Government supervision holds the potential to offer lifesaving treatments for many diseases that have frustrated the medical community for ages. I also believe that whenever we have the power to heal the sick we have the responsibility to do so. It is a commandment as old as the Scriptures themselves.

In 2001, President Bush made the decision to use Federal dollars to fund embryonic stem cell research. By allowing embryonic stem cell research to move forward, the President signaled that he believed this was both a morally acceptable and potentially lifesaving form of research. Since the President's decision, we have discovered that in order for embryonic stem cell research to reach its fullest potential and for science to be accurate, it is essential to expand the number of stem cell lines that are eligible for federally funded research. H.R. 810 will allow Federal funding for research on an expanded number of embryonic stem cell lines according to strict ethical requirements. The bill would restrict Federal funding to only those stem cells from embryos that would otherwise be discarded. In addition, the bill requires that any individuals wanting to donate embryos do so with written consent and not receive any financial inducement.

Also, the bill does nothing to change the current law banning the use of Federal money to destroy human embryos. H.R. 810 gives us the opportunity to expand lifesaving research with proper ethical safeguards. Furthermore, it will be a step forward in helping us to fulfill our moral obligation to heal the sick. And in the end, that obligation is one that we must keep.

I thank the Chair. I yield my time back to Senator HARKIN.

The PRESIDING OFFICER. Who seeks time?

Mr. HARKIN. I thank the Senator from Arkansas.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The minority has 20 minutes.

Mr. HARKIN. I yield 10 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague for yielding. I am moved by the comments of Senator LINCOLN, and I suspect we could go throughout the Senate Chamber from desk to desk, from Member to Member, and each of us could tell a personal story from our own family as moving as I found her description of the life of her father.

In my own family, my grandfather, a wonderful role model as a butcher from West Virginia, had Parkinson's disease. He got up every morning and drove through the mountain roads to the butcher shop to cut meat. Every day I would watch him leave the House, his hands shaking, fingers shaking, wondering if he was going to chop one off, and he never did in all the years that he ran that butcher shop.

I think of the time, looking at Senator HARKIN and myself and some others in the Chamber who served in the House, we served with Mo Udall. I remember riding back and forth on the subway between the House buildings, the Rayburn Building, riding over to the Senate Chamber with Mo Udall and watching his body slowly deteriorate. I think of Ford King, my brother in law, now deceased, who was controlled by ALS over a decade or so ago and watching his life slowly fade away as ALS took its toll on him. I think of Alzheimer's and my own mom who passed away last year, her mom who was a victim of Alzheimer's, and the millions of others who die from that disease in our country.

I think of my own healthy sons, thank God, 16 and 18 years of age, and I think of their friends having to prick their bodies or their fingers several times a day, as much as 10 times a day, to take insulin shots and know that is the way they are going to have to live for the rest of their life.

Today is a day of tremendous opportunity. It is an opportunity to push for the kind of medical research that will make a difference in the lives of the people—not the people I just mentioned, unfortunately, for the most part, but in the lives of their children and their grandchildren. It is an opportunity to help find treatment for diseases such as the ones I mentioned, Parkinson's disease and juvenile diabetes and autoimmune disorders and heart disease and even, if we are lucky, cancer.

We know that stem cells hold great promise. Already stem cells have been used to help paralyzed rats regain the ability to move. Stem cells have been converted into motor neurons which could help treat spinal cord injuries or Lou Gehrig's disease—ALS.

Stem cells have also been coaxed into becoming brain cells to one day help patients with Parkinson's disease, such as my own grandfather, such as our old colleague, Mo Udall.

Today, though, is about more than just curing diseases. It is also about keeping America's research centers competitive and relevant. Stem cell research is likely to be an important area of science and medicine for a long time to come. Instead of treading water, as we have done under President Bush's stem cell policy, America should be leading the way and making other countries play catchup, instead of us playing catchup to them.

We have done this in the past. The United States has always been a valuable contributor to the prevention and treatment of illness. We have developed vaccines and antibiotics that have saved literally millions of lives. We have made tremendous advances in the areas of biotechnology and pharmaceutical research.

Now we have an opportunity to make a national commitment to expand the frontiers of medical research once again.

If we focus our resources and attention today to find cures, we will save lives, and we will save money in the long run.

H.R. 810, the Stem Cell Research Enhancement Act which is before us today, was introduced in the House of Representatives by my own Congressman, MIKE CASTLE. Here in the Senate, it has been shepherded by two of our finest colleagues, Senator SPECTER and TOM HARKIN of Iowa. This bill would greatly expand our ability to take the next steps in stem cell research by expanding the number of stem lines eligible for Federal funding. It would also strengthen the ethical rules that govern stem cell research.

Under the administration's current policy, the number of stem cell lines available for federally funded research has continued to shrink. There are now, I am told, only 22 lines available. What is more, many of those current lines are contaminated or have reached the end of their useful life.

The Castle bill would allow new lines to be derived from excess in vitro fertilization embryos that would otherwise be thrown away. The choice seems clear, at least to me and I know to a lot of people in my State. Rather than allow these embryos to be discarded and thrown away, with the consent of the couple who want to donate those embryos, with their permission, we can use those embryos to further lifesaving research.

These new stem cell lines will dramatically expand our ability to study and find treatments for a wide range of illnesses. The benefits will come not only from having more stem cell lines but from having better lines. By expanding our research policy, we can create stem cell lines that help us study specific diseases or create specific treatments.

I urge all our colleagues to support H.R. 810. I know there are a couple on the brink, who are undecided. They know who they are. I encourage them to listen to the folks from their own

States and their own families whose lives could have been enhanced, been lengthened—or in the future will be. Let's vote today to expand stem cell research so we, our children, our grandchildren, and a whole lot of people beyond them can benefit in the future.

Mr. HARKIN. Mr. President, I yield the remainder of our time to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to begin by thanking the Senator from Iowa, Senator HARKIN, for his long leadership on this and other issues of importance to research and to people with disabilities.

For each of us, and for millions of Americans, this is a very personal issue. It is impossible to separate it from our own experiences. I have heard colleagues on the floor talking about grandparents and other members of their family and the experiences they have had. I will never forget, personally, almost 2 years ago standing in an amphitheater in Denver, talking to many people—many of them in wheelchairs, many who had lost loved ones to disease, many who knew a cure would never come in time for them—who held out hope, nevertheless, that stem cell research might save a loved one, might save someone else in similar circumstances.

What they wanted, above all, was leadership. They wanted someone back in Washington to fight for them. I promised them that I would do all that I could, and I will never forget the look of yearning and hope in their eyes, the pleading, if you will, that people would come to a place of common sense. They placed enormous hope in all of us in the Congress.

When I think about them and I think about people all over the country who are so personally invested in this issue, I am deeply troubled to see that today we find ourselves in a place of division, where we could have been united. We are divided principally by the promise of President Bush to veto a bipartisan bill that funds stem cell research.

In more than 5 years, President Bush has not vetoed a single bill—not one. He signed 1,129 bills into law, without raising his pen to veto one—not a bill that overspent, not a bill that moved in any other direction that he disagreed with. Now he wants to use the first veto of his Presidency to stomp on the hopes of millions of Americans suffering from devastating illnesses.

A veto now would send a profound message to all Americans that, on crucial issues, our differences are greater than our shared convictions. It would also tell the world that America no longer wants to be the country that leads the world in scientific knowledge and discovery.

The bipartisan legislation before Congress shows that Congress has found a way to take the politics out of the debate on stem cell research. It is time that the White House does the same.

Our current policy is eroding America's national advantage on stem cell research. We are tying our scientists' hands. We are holding back our doctors. We need a policy that is not driven by a narrow view but, rather a broader, consensus-driven approach to life and to science itself. We need a Federal policy that builds on the advances being made in our States, in our universities, in our private foundations, and research centers. I believe that Senate passage of H.R. 810, with vetoproof majorities, can put us on that path.

What a tragedy it would be if the first veto of the Bush Presidency were used as a political wedge. This is something that Washington and the rest of America overwhelmingly supports, regardless of political party. It is a promise that offers hope to millions and could put America on the path to leading the world in the discovery of cures. This is not a wedge issue. This is about common sense and about people's lives.

For all of us, the issue of stem cell research is personal, as I mentioned. Yes, it does raise profound moral questions and nobody should skip by those questions. I am not seeking to. But I do believe that any legitimate examination of conscience and any legitimate examination of the moral questions about life that are at stake can be resolved in a way that respects life and that properly puts morality on the side of the decision we are making.

When it comes to stem cell research—and all scientific research—we ought to demand no less than that kind of effort. I acknowledge, yes, there are those moral and ethical issues. But I believe the legislation that was passed by the House of Representatives with bipartisan support does provide strong ethical guidelines, strong ethical safeguards, and it limits what this research would do in a way that does respect those moral questions that are at issue.

First of all, federally funded research with respect to embryos would only go to, or be limited to, those that are donated by in vitro fertilization clinics, so you don't create some new business or create some disrespectful effort that is outside the effort of reproduction and of life itself.

Second, they would only be permissible when created specifically for fertility treatment—which is going to occur anyway, which does occur anyway—and which is in keeping with our efforts to respect life.

In addition, we live in a situation today where those embryos that are created in the context of in vitro fertilization are either going to be used for the purpose of creating life or those numbers that are in excess are going to be discarded. That is the fact. That is what is going to happen. So this legislation limits the use of those embryos only that are donated by treatment-seeking individuals who provided written and informed consent and who were not offered financial inducements in order to do so.

As the Los Angeles Times editorialized 2 years ago:

> The moral decision is between putting those few so-called embryos in the trash or using them to possibly bring back lost memory, keep people out of wheelchairs or free them from the life of insulin injections. It is not a simple decision, but it is also not a close call.

Growing numbers of conservatives, from JOHN MCCAIN, BILL FRIST, and ORRIN HATCH to Nancy Reagan, have looked carefully at the scientific facts and searched their own consciences and arrived at the same conclusion: Opposing stem cell research, with the restrictions and the appropriate ethical guidelines that have been put in place, is the opposite of a pro-life policy. In the Senate and across the country, Americans are approaching an ethical consensus that bans human cloning while protecting stem cell research.

The stakes could not be higher. More than 100 million Americans suffer from illnesses that one day might be cured with stem cell therapy. Stem cells could replace damaged heart cells or cells destroyed by cancer. They could offer a new lease on life to those with a diagnosis that once came as a death sentence. Research has the potential to slow the loss of a grandmother's memory, calm the hand of an uncle with Parkinson's, save a child from a lifetime of daily insulin shots or permanently lift a best friend or a colleague from a wheelchair.

There is a young woman on the floor of the Senate who shares this hope. Her name is Beth Kolbe. She is a summer intern in my office, and she has followed the stem cell research debate very closely over the years and especially this week. Beth has spent the last 2 days watching the debate on the Senate floor, and her presence now is a silent, powerful reminder of what is at stake.

At the age of 14, Beth was in a car accident and suffered a terrible spinal cord injury. In that instant, she was paralyzed from the chest down. After two neck surgeries, 2 weeks in intensive care, 2 months as an inpatient in a rehab hospital and 2 years as an outpatient in physical therapy, she is now living a very full life. She just told me that she is in the Paralympics as a swimmer, and she lives her life and loves her life as a junior at Harvard, studying biology and health care, navigating the campus in her wheelchair. But she told me also that it would be a lie to say that there are not challenges that she would like to have overcome.

She wants more, not just for her but for others. Here is what she said:

> Since that day 6 years ago, my family and I have been following stem cell research because it can help so many people. I'm just one of the millions who can be helped. As a person in the disability community, I've met so many people whose main goal is just to get better, and stem cell research is their one opportunity to find a cure. I hope to be

a face that the Senators can see, so that they can see what they are voting for.

Beth is here because she wants to see the Senate vote for hope. Some of the most pioneering treatments and miraculous cures could be at our fingertips, right around the next corner, but because of politics they could remain beyond reach. Every day we wait, more than 3,000 Americans die from diseases that might someday be treatable because of the discoveries made through stem cell research.

Americans have been presented with a false choice between the sanctity of human life and the scientific knowledge that can save it.

The President's veto rests on the false assumption that we have to choose between our dreams and our principles. I believe we can have both and we can protect both.

We can support our scientists, help the sick, and ensure that our legal and ethical boundaries continue to reflect our unshakable sense of human dignity and the value of human life.

If we get votes from 72 out of 100 Senators—then we can send the President a vetoproof message. Stop tying our scientists' hands, put down your veto pen, stop being part of the problem and become a part of the solution.

The American people believe in stem cell research for many of the same reasons as a remarkable woman I met at a town hall meeting on stem cell research.

She stood up in the back of the room. I will never forget it. Her body was shaking. She was petrified, but her body was also shaking because of the disease she had. She pleaded, with tears, for her government to embrace stem cell research.

It was the moral clarity of her message that will stay with me forever. Many Americans know a woman like her—maybe it's a grandparent with Alzheimer's or a friend in a wheelchair. ''It's too late for me,'' she said, ''but we need to do this for those who still have hope.''

It's too late for my and TOM HARKIN's friend, Christopher Reeve, who passed away in 2004. But it's not too late for this President to change his mind before tying the hands of doctors, scientists, and ethicists with a preemptive veto. Chris would agree that it's not too late to give millions of Americans what they want most of all, which is hope.

And in closing, I want to share one more story. It's from Lauren Stanford of Plymouth, MA. She is 14 years old and has suffered from juvenile diabetes for 9 years. She and her mother, Moira McCarthy, came down to Washington, DC each year as citizen lobbyists in support of stem cell research and finding a cure for diabetes.

I want to read you a few passages from an essay she wrote as follows:

For as long as I can remember, I've had to take a lot of leaps if faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just ''a new kind of normal.''

I've had to smile at the world and say I really don't mind wearing the insulin pump that's now connected to my body 24 hours a day, seven days a week.

Yes, in my nine years of life with Type 1 diabetes, I've learned to accept a lot of it is and the way it things as ''just the way it is and the way it has to be.''

But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001—and his vows now to veto the bill—I just could not accept it.

You see the one thing that has helped me accept all I've had to accept these years is the presence of hope.

When I feel like I might just scream if I have to live another day fighting this endless disease, I think about all the researchers out there working to help me be cured. Now, it might seem corny to think of a teenage girl dreaming about researchers in labs, but that's what kids who have incurable diseases do.

Stem cell research could mean I can go to college without a machine attached to my belly keeping me alive. It could mean I can have children just like anyone else; not with teams of doctors working with me daily just to make it happen. . . . It might mean my children won't even know what diabetes was.

President Bush talks about protecting the innocent. I wonder, what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on. . . . How, I ask my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life—and to give me back a life where I don't have to accept a constant, almost insane level of hourly medical intervention as ''normal?'' How could my nation do this to me?

Her hopes are here today, and I hope the Senate will do the right thing.

The PRESIDING OFFICER. Under the previous order, the majority is recognized for 15 minutes.

Mr. SMITH. Thank you, Mr. President. I am very grateful the Senate is considering the issue of stem cell research today. This debate marks the culmination of years of work by many of my colleagues and certainly by myself, and a host of dedicated advocates.

I thank Senators SPECTER and HARKIN for their leadership on this issue, as well as Senators HATCH, FEINSTEIN, and KENNEDY. The work the six of us have done since the House considered embryonic stem cell research last May has helped keep the issue alive in the Senate.

I also would also like to recognize Senator FRIST, who helped negotiate the package of bills before us. His willingness to take up this important, yet divisive issue is very much appreciated.

While all three bills are important to the advancement of ethical stem cell research, there is one that stands apart from the others. That is H.R. 810, the Stem Cell Research Enhancement Act Simply, this bill would allow federal dollars to support research on stem cells derived from human embryos.

The tension surrounding this issue, I believe, pits the benefits that all can see and the potential that may be derived against the ethical uncertainties or the religious convictions our colleagues have. I think it is very important to respect both perspectives—and I certainly do. But I believe their reservations are misplaced when a full understanding is made of this very important area of research.

I think it is also important to point out as a show of respect for the differences of opinion that everyone in the Senate supports the bill's intent of furthering medical research—research that could possibly lead to a cure for a number of chronic diseases and debilitating health conditions.

The promise of embryonic stem cell research is very real. But I think we must emphasis and admit it is but a promise. It has yet to be fully realized because of the current restrictions which we have placed on it. While I appreciate the President allowing research to move forward on existing stem cell lines, over time these lines have become degraded and we are in desperate need of new, uncontaminated lines.

Stem cell science has the potential to cure dreadful illnesses such as Parkinson's, Alzheimer's, diabetes, cardiovascular disease, and many cancers. But we can't expect scientists to make progress in developing treatments if we limit them to yesterday's science.

I believe the Federal Government has a vital but a moral role to play in the development of stem cell science to ensure that the appropriate ethical guidelines are followed. To leave this to the private sector, with insufficient funding and no moral boundaries—we don't know where we will windup. But I do know the Federal Government can guide it in the right direction. I believe we will run into very serious problems if we do not as a Federal Government show up to work on this issue.

The real issue that is troubling to so many of us in this Chamber is questions of morality. I am pro life and throughout my political career I have supported policies that respect the sanctity of all human beings. I realize that many pro-life advocates oppose embryonic stem cell research on the ground that it destroys a human life. But as I have consulted with scientists and reflected upon my own conscience, I have come to a different conclusion. I feel that embryonic stem cell research is a pro-life policy. The key question that looms over this debate is, When does life begin? For me it begins with mother, with the implantation of an embryo. I believe the Scriptures provide ample support showing that flesh and spirit become one with the mother. This is one of womankind's supernal gifts. I find these verses in the Old and the New Testaments—in Jeremiah, the Psalmist, Job, Matthew, Mark, Luke, John, and in the letters of Paul. All of these things lead me to feel comfortable with an ethical conclusion that life begins when flesh and spirit are united and not before.

The embryos created as part of the in vitro fertilization process were intended to provide infertile couples the

gift of life. Those embryos that go unused in fertility treatments should still have the opportunity to give the gift of life either by later implantation or to those living with debilitating diseases through this dramatic medical research.

Without being implanted in a mother's womb, an IVF embryo is a group of cells growing in a petri dish. But if those cells are left there for thousands of years, they have no possibility of developing into anything. They remain a group of cells, the dust of the Earth, one of the building blocks leading to life. It is the act of implantation within the mother that gives them life. So instead of storing or discarding unused embryos, we have the opportunity to allow them to be used to derive stem cell lines to advance much needed medical research.

I believe it would be a tremendous loss to science and to all humanity if we choose to hold back the key to unlocking the mysteries that have long puzzled scientists and physicians. That is why it is so important that my colleagues cast a vote in favor of H.R. 810, a very pro-life vote.

Some of the bill's opponents may claim that you can equally support stem cell research by voting for Senator SANTORUM's bill which authorizes a number of research alternatives. I support Senator SANTORUM's bill and plan to vote for it today, but it is by no means a substitute for H.R. 810.

Alternative forms of stem cell research are in their very early stages—just like embryonic stem cell research. Considering the enormous medical benefits that may come from these emerging fields of science, we cannot afford to promote some methods while restricting others.

After years of reflecting on this issue, it has become increasingly clear to me that being pro life requires protecting both the sanctity and the quality of life. By allowing research on stem cell lines derived from unused IVF embryos, we could forge a path that would one day lead to cures of some of mankind's most dreadful medical maladies.

If only one life-improving application of stem cell science comes from this vote—from my vote—then I believe I have done my job and done it correctly, for on this issue I choose to err on the side of hope, healing, and health.

I encourage all of my colleagues—even those who have some ethical reservations or religious feelings on this issue—to do the same.

I heard on the radio last night a radio commentator describing embryonic stem cell research as a conflict between science and religion. I do not believe that religion and science are in conflict on this issue. I believe one of the great gifts of the United States—the best example of the United States to the world—is our pluralism, religious pluralism. It is something we see an absence of, tragically, in too many places of the world. You see blood running in the gutters of the Middle East as we speak because of sectarian views which are held to the point of murdering those with divergent views. Therefore, I do not believe we serve the public well by taking the narrowest theological position and trying to impose it on public policy. We should be open enough to include other considerations of ethical ideas, scriptural interpretations, and scientific hope.

For me, as I consider issues of life and death, I often turn to the Good Book to try to discern wisdom that I do not have myself. What I find in the earliest pages of the Torah—or the Old Testament—is this statement. And I quote:

> The Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul.

I am not a scientist, and I am not a theologian. But as I use my agency to interpret this early description of the sanctity of mankind's life, what I read is that we are made of dust. We ourselves are dust. Unto dust we will return.

Then you come to the conjunction in this verse, the conjunction ''and.'' ''And breathed with his nostrils the breath of life.'' Then you come to another conjunction, ''and man became a living soul.''

I believe that pluripotent stem cells are one of the building blocks of life. Clearly they are. Even if you leave them in a petri dish for an eternity, they will remain cells, the dust of the Earth. I believe we are missing the understanding of the importance of the spirit, the breath of life—the spirit of mankind—as the essential ingredient as to when life begins.

I do not find that religion and science are in conflict in the Senate today. I believe they are in harmony. I believe we should have a broad enough view to include the many views that comprise American pluralism.

I urge President Bush not to veto H.R. 810. I believe it offers hope. It offers promise. We can't overpromise. But it opens the key to the future, to unlocking mysteries of science, to improve the quality of life now. What could be more pro life than that?

Finally, my position is formed by my family history. My mother's name was Jessica Udall. I watched my grandmother, Lela Lee Udall, die of Parkinson's. I watched my uncle, Addison Udall, die of Parkinson's. I watched my cousin, former Democratic Presidential candidate and Arizona Congressman Morris K. Udall, die of Parkinson's. To watch people die of such a malady is to instill in one's heart a desire to err on the side of health, hope, and healing, to find the cure if a cure can be found. We will all die but no one should have to die as they died.

I appeal to my friend President Bush in the memory of my Udall ancestry, please, do not veto this bill. Do not deny them, people such as the Udalls, the hope that can come from this research. I believe this is an important debate. If this bill is vetoed, another election will occur, another chapter of American democracy will be opened, and ultimately the will of the American people will be reflected in our policy. I believe the sooner, the better. So, to my pro-life friend, President Bush, I urge in the name of life to let this bill become law.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority still controls 1 minute 45 seconds.

Mr. SMITH. I yield back the remainder of that time.

The PRESIDING OFFICER. Under the previous order, the minority is recognized for 15 minutes.

Mr. HARKIN. I will soon yield 7 minutes each to Senators FEINGOLD and SCHUMER, in that order.

First, I had a meeting I was supposed to go to at noon. I am sorry I missed the meeting; people are waiting for me. I am not sorry that I was here to hear the profound statement made by my friend Senator SMITH. It was one of the more touching, more profound, and more insightful statements made during these 2 days of debate. I thank the Senator for that.

I yield 7 minutes to Senator FEINGOLD, and at the end of 7 minutes, to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. FEINGOLD. Mr. President, as we debate this important legislation regarding stem cell research, we are reminded of the millions of patients and families across America who await treatment and cures for our most deadly and tragic diseases. As of Friday afternoon, over 92,000 Americans were on waiting lists for organ transplant. Seventeen of these people will die every day waiting for a vital organ. Scientists believe that over half of Americans over 85 may suffer from Alzheimer's disease, and at least half a million Americans currently have Parkinson's disease. As we all know, these kinds of serious diagnoses affect not only the patient, but that patient's family, friends, and community. Illness is a burden we all share.

Fortunately, over the past century, science has turned many of our worst medical fears into manageable chronic conditions, sometimes into mere nuisances, and, in some instances, has erased them entirely.

Today we stand at the threshold of a new era of scientific achievement. Stem cell research has vast potential for curing diseases and saving lives. We must recognize the enormous potential of this research for discovering new cures and therapies for disease such as diabetes, Parkinson's disease, and spinal cord injuries. Millions of patients and their families across the Nation

cannot afford to wait any longer for enactment of this urgently needed legislation.

I am a strong supporter and proud cosponsor of the Stem Cell Research Enhancement Act. I have heard from many of my constituents in Wisconsin in support of this legislation, and I am glad that the Senate is addressing this today and responding to the requests of millions across the country. As the Senator from Oregon eloquently said a few minutes ago, for many people this is a deeply personal issue. When an individual or loved one suffers from an incurable disease or medical condition, it can be devastating. Everyone knows someone who has suffered from diabetes, Alzheimer's Parkinson's, or another debilitating disease, and we all know the physical and emotional pain inflicted as a result. It is vitally important that we move this legislation into law as expeditiously as possible and provide the resources that scientists need to develop treatments and cures for these diseases.

Researchers can unlock enormous potential in stem cell research if Congress will only give them the key. At the University of Wisconsin in 1998, Dr. James Thomson became the first scientist to break into this new frontier by isolating human embryonic stem cells. Since then, researchers at the university have been able to coax embryonic stem cells to develop into mature blood cells, which could provide treatments and cures for people with a range of currently incurable diseases. By further examining the potential of stem cells, scientists at the University of Wisconsin have also successfully developed neural cells, and they have even transferred these cells successfully into mice, where the cells continued to thrive. The possibilities here are clear: If technology such as this is able to expand, those with neurological disorders and bleak prognoses may now have hope.

Despite its incredible promise, this research has unfortunately been limited by the President since 2001. It is time for Congress to take the necessary action to provide more stem cell lines to scientists so that this research can go forward, without the Federal Government standing in the way.

The Stem Cell Research Enhancement Act would allow federally funded research to be conducted on stem cell lines derived from excess embryos created for in vitro fertilization, IVF, that are no longer needed and are donated by couples for research. It is estimated that there are more than 400,000 embryos that were created for fertility treatments and are likely to be destroyed.

There is much work that needs to be done to further understand the role that embryonic stem cells can play in providing answers to some of the most troubling medical diseases and conditions that affect so many Americans. The Stem Cell Research Enhancement Act will help our Nation's researchers get closer to unlocking what this research holds by increasing the quantity and quality of stem cell lines available for research.

Embryonic stem cell research is very important to me and to Wisconsin. I am proud that the University of Wisconsin has played a prominent role in stem cell research in this country. I know that my constituents, and Americans across the country, are eagerly awaiting the benefits that this research will provide.

I hope my colleagues will join me in supporting this incredibly important science which would expand our research horizons and bring hope to so many people.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act. Any one of us who has met people who have petitioned us for this act has to be moved. I have looked into the eyes of a mother who brought her beautiful 4-year-old daughter to my office and said, Senator, please allow this research to go forward because I am worried my daughter will be blind at the age of 20 without it.

I have met families whose patriarch is suffering from ALS, Lou Gehrig's disease. Again, they have pleaded with us, allow the research to go forward so maybe that person or his children, who might get the disease, will be able to be cured.

I have met with so many people my age whose parents are suffering from Alzheimer's or Parkinson's. Again, they plead with us, allow stem cell research to move forward so that maybe my parent or other parents such as mine could be cured.

Americans struggle with diseases every day. The confounding and amazing thing is, when scientists are on the edge of a breakthrough, the President stops them. Scientists are on the cusp of making incredible progress through stem cell research, a process that has the potential to cure diseases as widespread as diabetes and heart disease, but progress came to a grinding halt in 2001 when President Bush limited federally funded stem cell research to only 19 sources. With that Executive Order, President Bush shut the door on hope for millions of American families. With that one action, the President not only stopped current research in its tracks, he sent a message to future scientists that they should not pursue this line of work. As they see a limited funding stream for the work they do, fewer and fewer graduates are specializing in this kind of work. We need the best minds there.

Substantively, there is no doubt this is the right thing to do. But I put it in a broader context. There is a group of people in America of deep faith. I respect that faith. I have been in enough inner-city Black churches, working-class Catholic parishes, rural Methodist houses of worship, and small Jewish synagogues, to understand that faith is a gift. The trouble with this group, which I call the theocrats, is they want that faith to dictate what our Government does. That, in a word, is un-American. It is exactly the reason the Founding Fathers put down their plows and took up muskets to fight.

If you do not like stem cell research, don't use it for yourself or your family, but don't tell millions of Americans who may not share your faith that they cannot use it, as well.

We have seen this repeatedly with Schiavo, or the required teaching of creationism in the schools, and now with stem cell research. Unfortunately, the President and too many in this Chamber and too many in the other Chamber have gone along and said that faith, wonderful and noble as it is, should determine what our Government does.

This administration is not pursuing what most Americans want, but following the dictates of the narrow few. Fortunately, we live in a democracy. In a democracy these issues are debated.

I assure everyone in this Chamber, this issue will be debated and debated strongly in November. Those who have stood in the way of scientific progress and research, those who have told that wonderful mother that her child cannot get the research she needs so she might not be blind, will be held accountable. This will be one of the largest issues that will face us in November, and it should. That is what democracy is all about. All of those, including the President, who have tried to hide their actions with false promises or bills that accomplish nothing, will be held accountable.

Thank God we have a democracy. Thank God that a narrow band of people, few in number, deep in conviction, cannot dictate what our Government does. The fact that H.R. 810 has come to the Senate, the fact that it will get a large majority of votes here as it did in the House, and the fact that the President and some of his allies in this Chamber and others have stood in the way of saving lives and of scientific progress because they believe their faith should dictate what the rest of us do—again, they will be held accountable for that.

I hope this measure passes. It would be a miracle, a miracle that could save lives if it got a veto-proof majority in this Senate. I doubt that will happen. But one can always hope, because the hopes, the futures, of millions of Americans, born and unborn, rest on us pursuing this research, doing what science tells us it needs to do to enhance and preserve life, and not be blocked by a small group that wishes to impose its views on everyone else.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now

stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—Continued

The PRESIDING OFFICER. The majority controls the next 30 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I would like to begin this discussion, talking about the three pieces of legislation that are before us, to talk about the one I believe is the least controversial of all; and that is the issue of fetus farming. It is a piece of legislation that I introduced, thanks to the great help of my staff, Heather MacLean, who has worked diligently on both pieces of legislation that are on the floor today that I happen to be the sponsor of, the alternatives bill as well as the fetus farming bill.

This legislation comes as a result of a recommendation from the President's Council on Bioethics. That council, as you know, is not made up of people who share the President's viewpoint on the issue of stem cell research. In fact, it is a rather diverse group. But they unanimously agreed with what they see out in the scientific world with respect to research being done—where animals are being implanted with embryos grown to a certain gestational age and then aborted for purposes of research—that this should not be allowed in humans; that we should not be developing embryos, implanting them in women, and then having those women abort the fetus for the purposes of doing research.

So the bill I have introduced follows on with the unanimous recommendation of the President's Council on Bioethics. Again, it is a diverse group. And they said: We should prohibit the transfer of a human embryo produced ex vivo—that is, outside of the mother's womb—to a woman's uterus for any purpose other than to attempt to produce a live-born child.

That is what the first piece of legislation does, what is referred to as the fetus farming bill. I am hopeful we can have a broad consensus, hopefully a unanimous vote, on the floor of the Senate in favor of this legislation. The House will hopefully pass that later today and the President will move forward and sign it.

The other issues I want to talk about get into a lot more detail with respect to how we deal with these very difficult moral questions. I have heard some say on the floor of the Senate there is no moral question here. In fact, I heard the senior Senator from New York calling those who oppose this H.R. 810—which calls for the destruction of human embryos for purposes of deriving embryonic stem cells—he called people who oppose H.R. 810 theocrats.

I do not agree with the Senator from New York on a lot of things. I am sure the Senator from New York is motivated by his faith to do a lot of things in his life. I am sure there are things on the floor of the Senate for which the Senator from New York is motivated by his faith tradition and uses it as a tool which has provided him a moral framework for this world. But I would never call him a theocrat for taking that element of his faith, which he happens to believe is valuable, and applying it to a fact of circumstances before him in the Senate. So I would hope we would tone down that type of rhetoric. No one is advocating theocracy here.

But to suggest there are not moral questions at stake, I think is blatantly dishonest. There was a doctor that was on a C–SPAN program this morning, a doctor from Johns Hopkins, who was in favor of H.R. 810, who got up and said it very clearly, if you believe that killing a 5-day-old embryo is the taking of a human life, then I can understand, she said, you having problems with H.R. 810. If you do not, then I can understand why you do not have a problem with H.R. 810.

Now, to suggest that someone who happens to believe that a 5-day-old embryo, that is genetically human, that if implanted in a woman would have as good a chance as any other embryo in a woman to develop into any one of us—that we believe that killing that embryo is the taking of a human life—I am not too sure that goes into the bounds of imposing a theocracy on America.

I think that is, yes, to some degree, a moral question but I would argue, to some degree, very much a scientific question as to whether that is actually human and is it alive. And the answer is, yes, it is genetically human. It is like every one of us. And it is alive. If it were dead, no one would be implanting it, no one would be killing it. So it is human and it is alive.

You can say it is not human life. I can say this piece of paper is not a piece of paper, but that does not make it what it is not. It is human, and it is alive. Under H.R. 810, we say that the Federal Government is going to fund research dependent on the destruction, the killing of that embryo. I think it needs to be made clear there is nothing in the legislation—in fact, there is no bill I am aware of that has been introduced—that says any individual without Government dollars cannot take, cannot buy or get donated a fertilized embryo, an embryo, a 5-day-old embryo from an in vitro fertilization clinic and do research on it. There is no law prohibiting it. There is no law prohibiting the killing of those embryos.

All of us who have concerns about H.R. 810 have concerns because this is Federal funding for research dependent on the destruction of human life. I happen to believe that is morally objectionable. I also think it is scientifically objectionable too.

Having said that, I have one final point I would make. I do not think this position is necessarily well out of the mainstream. There was a poll taken recently. In the poll, this question was asked: Stem cells are the basic cells from which all person's tissues and organs develop. Congress is considering the question of Federal funding for experiments using stem cells from human embryos. The live embryos would be destroyed in their first week of development to obtain these cells. Do you support or oppose using Federal tax dollars for such experiments? Thirty-eight percent support; almost 48 percent oppose.

I do not think those people would be called theocrats. They are not theocrats. These are honest, hard-working Americans who see human life and say: We should treat it with dignity and not do research.

Now, there are obviously a sizeable number on the other side. And, obviously, the majority of the Senate is going to support H.R. 810. I respect people who differ with me. I am not going to call them names. I am not going to label them something that sounds un-American. What I will say is I disagree with them and will try to do so respectfully. I will try to do so from the basis of someone who is a very strong supporter of stem cell research. In fact, I would put my record up against just about anybody in the Senate with respect to appropriating, asking for, and getting appropriated dollars designated to do stem cell research.

I have been working for 6 years, particularly with the Pittsburgh Tissue Engineering Institute and a whole host of companies that have developed in and around the biotech quarter in Pittsburgh that have shown great promise. Some of the research you have heard about with respect to alternatives to embryonic stem cell research with these pluripotent cells—many of these companies, many of these alternatives have come out of Pittsburgh, come out of the work that has advanced as a result of some of the Federal help that we have given to the McGowan Institute and to the Pittsburgh Tissue Engineering Institute.

In fact, we have put together such a robust program with respect to tissue engineering and regenerative medicine using stem cells that we have partnered with the Army. President Bush, earlier this year, went down to Fort Sam Houston, TX, to look at some of the work that is being done with our soldiers who have been wounded and being able to regenerate skin or parts of bodies. In fact, there is one study underway right now to regenerate an ear, actually grow back an ear of someone who lost their ear in the Iraq war.

All of that came from the support the Congress has shown, thanks to the leadership of Senator SPECTER and myself in this collaboration—the Pittsburgh Tissue Engineering Institute, the McGowan Institute for Regenerative Medicine, the U.S. Army Institute of Surgical Research, and on and on. This collaboration is based on the promise of stem cell research, to help our wounded soldiers. They are making dramatic and wonderful progress. So there is, as many have said, a tremendous opportunity for a lot of powerful things to help cure people with respect to stem cells—these adult stem cells.

But I have not foreclosed, in any respect, the possibility of other types of stem cells being used, if they can be derived in an ethical fashion; ''ethical,'' meaning we do not sacrifice life in order to do research to find out more.

So what I have pursued—and what I think this alternative bill I have introduced, working with Senator SPECTER on it—is an attempt to find this middle ground. Some have suggested—I know Senator HARKIN has repeatedly suggested—this bill does not accomplish anything, the alternatives bill I have introduced does not do anything. I would strongly disagree with that.

The alternative bill—let me give you an example. I have been working with Senator DODD over the past several months—actually, over a year now—in developing a bill to provide direction to the National Institutes of Health with respect to autism research. It is a vitally important bill for the autism community. It is one that the entire community across the Nation has mobilized around, called the Combat Autism bill. We have worked meticulously on the language to make sure Congress provides direction to the NIH to ensure proper research is being done in accordance with the sensitivities of the community.

This bill, in many respects, is no different. What we are doing—as we are doing in the Combat Autism bill, as we did by setting up centers of excellence within the NIH, congressional-sponsored coordinators such as diabetes coordinators—all of these things NIH could have done. Could NIH have put up, structured a diabetes coordinator? Sure. Could they have set up a cancer institute? Sure. Could they have done all these thing that have been congressionally mandated to do? Yes, they could have. But Congress thought it was important enough that we put it in statute. And we direct the funding so we can get a focus on what we believe as Congress—and representing the people's belief—is important for the future of medicine.

So in this case, yes, we are directing the National Institutes of Health shall invest money—not they ''may; but they ''shall'' invest money—in developing alternatives to the destruction of the human embryo for the creation of pluripotent cells. In fact, there are 16 different ideas, peer-reviewed studies showing alternative sources of pluripotent stem cells that have been published already.

What we are saying to the National Institutes of Health is: Look at these particular areas and others. You shall do research in this area. You shall look for alternatives for the development of these pluripotent cells. It is a directive. That is different. That is meaningful. It is important. It is not: Oh, they can do it already, so this is no big deal. This is a big deal. This is an important step forward in getting the NIH focused on an area of research which is ethical, moral, and potentially curative for an unknown number of diseases.

There is work being done, I can tell you, because of the work we have done, and Senator SPECTER and I have done, in Pittsburgh with a company called Stemnion which I am very proud of. They are taking cells from the lining of the placenta—I was at their lab not too long ago. They had a placenta there, and they had a technician peeling off this sheathe from the lining of the inside of the placenta.

It is a three-cell layer sheet that is opaque; you can see through it almost. But it is a three-cell layer which is put into a solution. They retrieve the middle layer of the cell. They have found that this middle layer of cell can, in fact, differentiate into various types of body tissue, which is what we are looking for with respect to embryonic stem cells. They have also found that it doesn't cause tumors, which is one of the problems with embryonic stem cells. They are not just looking at that, they are also looking at—many of these researchers who are doing research on adult stem cells, cord blood, or placenta cells, or whatever—whether they can use these cells not just for direct treatment but to create a broader based treatment—something that is not just a treatment for the particular baby who came with that placenta but whether there is a broader application with these cells.

Can they do things that many believe embryonic stem cells can do—provide some sort of cellular solution that can be replicated in large doses, instead of just individual treatments, which can be expensive and not necessarily as useful or helpful? So there is the potential for broad-based solutions out of these pluripotent cells, something which those who argue for H.R. 810 say really isn't available.

The fact is, that it is an objective. We don't know if it is available, but, again, we don't know if embryonic stem cells will result in cures because they have not to date. Senators BROWNBACK, COBURN, FRIST, and many others have talked about all of the different therapies being used today to treat people through adult stem cell research. In fact, I mentioned one, which is the soldiers, in treating wound care. There are so many others. I was at another institution in Pittsburgh where they were showing how they were treating—I know this was talked about on the floor—congestive heart failure with adult stem cells and injecting them into the heart to try to regenerate the heart. So there are all sorts of opportunities with these cells. We should pursue that.

Actually, what my bill does is focus on creating embryonic-like cells. What my bill does is provide an alternative path to get to where those who want to see embryonic stem cell research move forward want to go. We try to get them there with an ethical way of doing it.

I am hopeful—and I have not heard anybody get up and say they would oppose this legislation—that this legislation will pass with a very large number because I think it deserves passage. It does more than nothing. It does something, and it does something very important.

Also, I believe it is important that we stand firm and say that those who may be against H.R. 810 have the opportunity to stand firm and say that we are pro research, pro science, pro improving the quality of health care in this country, but we need, as public officials, to be the governor for science.

I know there have been attempts in the past—I don't think H.R. 810 does it because it is a limited use of human embryos, but there have been attempts in the past to sort of throw the gates open and allow Federal funding for any type of research in this area. I think we have an obligation, as the voice of the people, to limit, at least with Federal dollars, where science goes with taxpayer dollars. This is a scientific society that, if you can do it, they want to do it. In my mind, far too many scientists don't feel any check by the moral implications of creating a cloned individual, which we have seen in some places around the world. There have been attempts in private labs in this country and around the world, and there still are attempts to clone individuals. We need to speak clearly into this moment. I think the passage of this alternative bill does that. It says we can be pro science and do so in an ethical fashion.

I guess I will conclude my remarks by saying that this is an important moment for us in this country. This is about the value of human life. I know people will dismiss that, saying they would be discarded anyway. All I can suggest is that every life, whether it is in a suspended state in an IVF clinic or standing on the floor of the Senate attempting to defend and protect those suspended lives, has meaning. Every life deserves protection under our Constitution. Our Constitution protects persons. It is a very interesting word. They use the term ''persons.'' So we have had a debate in this country for half a century or more—actually since its founding—as to what a person is under the Constitution. We are going to say, with respect to embryos at IVF clinics, that they are not people. We are going to say that this 5-day-old embryo created by a couple who wanted life—think about that. Every one of

these embryos was created because a couple wanted desperately to create human life, and what we are going to say is that life that was created is not a person, doesn't really exist from the standpoint of the Constitution. I think that is sort of hard for my mind to square—that we create human life and then later we say it is not human life, it is not a person, it is not entitled to any constitutional protections.

Some people have drawn lines and said it is not implanted and therefore it is not human life. When the egg is fertilized, it takes a while for that embryo to implant in any normal pregnancy. In the interim, is it not human life? What is it? These are questions that I know are very difficult to grapple with. It is very easy—and this is the caution—it is very easy, because that little embryo doesn't have a pair of eyes, a color of hair, or a name, to dismiss this entity as insignificant, particularly when we see some utilization, some usefulness to us in its existence. This utilitarian view that, well, we don't really know what these are—at least we make the claim that we don't really know what they are, so we sort of claim that there is a cloudiness to what this is, and it then allows us to destroy that life and use it for our purposes.

Let's be very clear about that. That is what we are doing. We are using it for our purposes, to benefit us. We are using a human life to help those of us who are alive, without the permission of that silent embryo. You can say, well, H.R. 810 is sort of a rare circumstance. It is just these small groups of embryos that are unwanted. I have been on the floor of the Senate debating issues of life for 12 years now. It seems to me that every year I come up here we tend to debate a different issue, and if we had been debating it 10 years prior, we never would have taken that position; we would have found it morally offensive to have argued what we argued—in this case 10 years ago. But 10 years from now, if we allow this to happen, what will be the next argument of what we must do because of the potential benefit for us? What must we do next?

One of the principal reasons I am an avid supporter of the fetal farming bill is a great fear that 10 years from now, we will be back here arguing the bill again. We may find that the embryonic stem cell research that is done in the public sector—and it is being done now in the private sector, and certainly there is international support for it in the public sector—just isn't the right thing, that they don't work quite as well as expected. But if you grow that embryo to a little later stage and these cells settle down and are not as hyperactive as these embryonic stem cells are, which have the potential of creating tumors, if you wait until they are a month or 2 months old, now you have the right time to be able to harvest these tissues for—you name it. I will not say that is highly likely—I don't know, I am not a scientist—but I don't think that is without question. Then what would we say? If we can maybe just put the embryos in artificial wombs for a while and let them develop for a little bit or maybe implant them into a woman who volunteers, with no moral objection, to do so. You can say, that is repugnant. It is today.

I remember when I stood on the floor and debated the partial-birth abortion bill—how many repugnant things I had to explain regarding the killing of a child. We debated that, and it failed many times on the floor of the Senate, the banning of that procedure. No, these things do not happen in one great leap; they happen with just little steps, little defensible steps, little utilitarian steps, until the next time and the next time.

This is an important moment when we will say no to that and we will do what I believe is important to stand up for that value. At the same time, we can support a measure that is pro science. At the same time, we can support a measure that says we need to move forward, we need cures, we need scientific experimentation, we need to develop this incredibly rich field of regenerative medicine and stem cell research. It is an incredibly rich field, a promising field. We need to do it at a pace and in a way that we can be proud of over time and in a way that respects the dignity of the human person. But this is an incredibly promising field. No one on either side of this issue will deny that. It is an incredibly promising field, one we must pursue.

So that is why I introduced the alternative bill. That is why I strongly support it, and I would encourage all of my colleagues to support it. I would encourage the House to pass it, and then we will be enthusiastic supporters of Senator SPECTER's and Senator HARKIN's appropriations bill, to get as much money as the NIH can responsibly use to develop this field fully. It is an incredibly promising field that we must pursue, and we can do it. We can do it, America, ethically and morally, in a way that is consistent with the proud traditions of America. Science in an ethical and moral fashion: What a nice blend. We accomplished that with the alternative stem cell bill, and I urge the Senate's adoption.

Mr. President, I ask unanimous consent that letters I have received regarding this legislation be printed in the RECORD.

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

OREGON HEALTH & SCIENCE UNIVERSITY, OREGON STEM CELL CENTER,
Portland, OR, July 17, 2006.

DEAR SENATOR: I am a Professor in the Departments of Molecular and Medical Genetics and of Pediatrics and the current Director of the Oregon Stem Cell Center at Oregon Health & Science University in Portland Oregon. I am also on the Board of Directors of the International Society for Stem Cell Research. Last month I participated in a press conference at the Capital in support of the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, sponsored by Senators Santorum and Specter. I am writing to affirm the solid scientific foundations for this approach and to urge you to vote in favor of this very important legislation.

Let me begin by stating clearly that I do not think that adult stem cells have all the properties of pluripotent embryonic stem cells (ESC) and could be used to replace or substitute for them in therapeutic or scientific investigations. ESC indeed hold tremendous—albeit at this point mostly unrealized—potential for significant improvements of human health. My objection to using human embryonic stem cells is the fact that their procurement involves the destruction of early human life, generated either by in vitro fertilization or by cloning. Exploitation and destruction of human embryos is morally unacceptable to me and to millions of others in the United States and around the world.

Fortunately, science strongly suggests that there is a solution to this particular moral quandary. All cells of the human body share the exact same DNA sequence, regardless of whether they are adult skin cells or embryos. The fate and nature of a cell (embryo vs. other cell type) is not determined by its DNA sequence but by which genes are active or silenced. Silent genes can be activated and active genes can be silenced through skilled laboratory manipulation. This is why it is possible to use the nucleus of an adult cell to make an embryo, as was done with Dolly the sheep. The contents of the egg are able to ''flip genetic switches''. Recently, multiple labs in the United States and from around the world have published or reported experiments in which adult cells were converted, not to embryos, but directly to pluripotent ''embryonic-like'' cells. The resulting cells were virtually indistinguishable from embryonic stem cells derived from embryos. The techniques used have included altered nuclear transfer (ANT), cell fusion and chemical reprogramming. The results were obtained by top scientists in the field and published in the best journals.

To date the direct conversion of adult cells to pluripotent stem cells without any embryo destruction has only been achieved in animals, but it is highly likely that this can be done with human cells as well. In addition to being ethically and morally unimpeachable the alternative methods also promise a major clinical/medical advantage: pluripotent cells generated by these techniques will be tissue-matched to the patient. In contrast to embryonic stem cells derived from ''discarded'' embryos, immune suppression would not be needed to use these cells in transplantation.

Thus, compelling scientific and ethical arguments exist for non-embryo destructive alternative methods. S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, represents an important tool to advance the development of these techniques to the benefit of all.

Sincerely,

MARKUS GROMPE, M.D.,
Professor.

JULY 17, 2006.

DEAR SENATOR: I am a physician and a Consulting Professor in the Neuroscience Institute at Stanford where for many years I have taught courses in biomedical ethics. I have also served on the President's Council on Bioethics since its inception in January 2002.

In May 2005, the Council issued a White Paper entitled ''Alternative Sources of Human Pluripotent Stem Cells.'' This report outlined four proposals for obtaining pluripotent stem cells (cells with the same

properties and potentials as embryonic stem cells) using techniques that do not involve the destruction of human embryos. As the author of one of these proposals, Altered Nuclear Transfer, I am writing to inform you of encouraging progress in establishing both the scientific feasibility and the moral acceptability of this proposal. In what follows, I am of course speaking for myself, not for the Council as a whole or for any other institution.

Altered Nuclear Transfer (ANT) is a broad concept with a range of possible approaches. ANT draws on the basic technique of nuclear transfer (popularly known as 'therapeutic cloning') but with a pre-emptive alteration such that pluripotent stem cells are produced without the creation and destruction of human embryos. Unlike the use of embryos produced by in vitro fertilization, ANT would allow the production of pluripotent stem cell lines of specific genetic types. This would enable standardized scientific studies of genetic diseases controlled testing for drug development, and possibly patient-specific immune-compatible cell therapies.

In the year since the publication of the Council report, major advances in this project have been documented in peer-reviewed research articles published in leading scientific journals.

In January 2006, the journal Nature reported research by MIT stem cell biologists Rudolf Jaenisch and Alexander Meissner demonstrating, in mouse studies, scientific proof-of-principle for Altered Nuclear Transfer. The authors described this technique as ''simple and straightforward,'' and, in testimony to a U.S. Senate subcommittee on stem cell research, Dr. Jaenisch stated: ''Because the ANT product lacks essential properties of the fertilized embryo, it is not justified to call it an 'embryo.'''

One month later, research by developmental biologist Michael Roberts of the University of Missouri published in the journal Science, suggested that the same ANT approach might be accomplished more directly and by an even simpler technique.

In March 2006, at a conference of scientists, moral philosophers and religious leaders organized by The Westchester Institute for Ethics and the Human Person, there was unanimous agreement that if further refinement of these techniques is successful with non-human primates, cautious extension of these approaches to studies with human cells would be morally acceptable.

This conclusion has received further support from research reported by Hans Schoeler, Chair of the Department of Cell and Developmental Biology at the Max Planck Institute in Germany. Using the same basic alterations, he was able to establish pluripotent stem cells from these non-embryonic laboratory constructs at a rate of efficiency 50% higher than current embryo-destructive techniques (that use IVF embryos). This suggests that ANT may have both scientific and moral advantages.

In the attached letter, Dr. Schoeler explains: ''Biologically (and morally), I would not consider such a . . . laboratory product to be a living being, but more rightly would consider it a single-lineage tissue culture. ''He continues, ''Although these studies have been conducted using mice, it is reasonable to expect that the mammalian pattern of embryogenesis is conserved to the degree that a similar result would be obtained with human cells. These research results suggest that Altered Nuclear Transfer may be able to produce human pluripotent stem cells (the functional equivalent of embryonic stem cells) in a manner that is simpler and more efficient than current methods. Moreover, by doing so without creating a human embryo, such a project may resolve our current impasse over embryonic stem cell research and allow social consensus in support of this important new field of biomedical science.''

Altered Nuclear Transfer is just one of several promising approaches that may allow a resolution of our current conflict over federal funding of stem cell research. There is also encouraging progress in 'direct reprogramming', another proposal discussed in the Council report. If we can learn the specific chemical factors in an egg that are necessary for reprogramming, we may be able to combine these factors with the nucleus of any adult body cell and produce a patient-specific, genetically matched pluripotent stem cell line. Furthermore, over a dozen types of cells from tissues as diverse as bone marrow, brain, fat, testis, and even placenta appear to share some of the properties of pluripotent cells. It is too early to claim these cells are the functional equivalent of embryonic stem cells, but thorough exploration of their potentials is obviously worthy of directed federal support.

Our current conflict over the moral status of the human embryo reflects deep differences in our basic convictions and is unlikely to be resolved through deliberation or debate. Likewise, a purely political solution will leave our country bitterly divided, eroding the social support and sense of noble purpose that is essential for the public funding of biomedical science. The President's Council on Bioethics Alternative Sources report challenges our nation to seek a solution that sustains the important human values being promoted by both sides of this difficult debate. These projects are feasible using current technologies, and the scientific information gained in their investigation would have broad value even beyond the immediate goals of stem cell research.

Senate bill 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act of 2006, would provide crucial support for these projects. In reaching beyond the moral controversies that divide our nation, Senators Santorum and Specter have offered us a way forward with stem cell research, ''one small island of unity within a sea of controversy.''

Sincerely,

WILLIAM B. HURLBUT, M.D.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, July 13, 2006.

DEAR SENATOR: With the Senate scheduled to vote on H.R. 810 on July 18, we write to express the strong opposition of the National Right to Life Committee (NRLC) to this legislation, which would mandate federal funding of research that requires the killing of human embryos. NRLC will include the roll call on passage of H.R. 810 in its scorecard of key pro-life votes for the 109th Congress.

Each human being begins as a human embryo, male or female. The government should not fund research that requires the killing of living members of the species Homo sapiens. H.R. 810 would require federal funding of research projects on stem cells taken from human embryos who are alive today, and who would be killed by the very act of removing their stem cells for the research—a practice very different from that of the human being who dies by accident and whose organs are then donated to others.

Stem cells can be obtained without killing human embryos, from umbilical cord blood and from many types of ''adult'' (non-embryonic) tissue. Already, humans with at least 72 different diseases and conditions have received therapeutic benefit from treatment with such ''adult'' stem cells. In contrast, embryonic stem cells have not been tested in humans for any purpose because of the dangers demonstrated in animal studies, including frequent formation of tumors.

Those who favor federal funding of research that kills human embryos sometimes claim that these embryos ''will be discarded anyway,'' but this need not be so. Many human embryos have been adopted while they were still embryos, or simply donated by their biological parents to other infertile couples. Today they are children indistinguishable from any others.

Prior to the vote on H.R. 810, the Senate will vote on S. 3504, the Fetus Farming Prohibition Act, and S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. We encourage you to support both S. 3504 and S. 2754.

S. 3504 would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's womb, or an animal womb, for the purpose of providing such tissue. Some researchers have already conducted such ''fetus farming'' experiments with animals—for example, by gestating cloned calves to four months and then aborting them to obtain certain tissues for transplantation. This research is obviously being pursued because of its potential application in humans.

S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, would require the National Institutes of Health to support research to try to find methods of creating pluripotent stem cells (which are cells that can be turned into many sorts of body tissue) without creating or harming human embryos. The bill does not endorse any particular method, and does not allow funding of any research that would create or harm human embryos.

For additional information, please contact the NRLC Federal Legislation Department at 202–626–8820 or Legfederal@aol.com. Additional resources are available at the NRLC Human Embryos webpage at www.nrlc.org/killing_embryos/index.html and at http://www.stemcellresearch.org/

Sincerely,

DAVID N. O'STEEN, Ph.D.,
NRLC Executive Director;
DOUGLAS JOHNSON,
Legislative Director.

SECRETARIAT FOR PRO-LIFE ACTIVITIES,
Washington, DC, July 12, 2006.

DEAR SENATOR: In accordance with a unanimous consent agreement approved on June 29, the Senate may soon vote on three bills relating to bioethics and stem cell research: H.R. 810, S. 2754 and S. 3504. On behalf of the U.S. Conference of Catholic Bishops I am writing to comment on each proposal.

H.R. 810, ''STEM CELL RESEARCH ENHANCEMENT ACT''

This bill violates a decades-long policy against forcing taxpayers to support the destruction of early human life. Federal funds would promote research using ''new'' embryonic stem cell lines, encouraging researchers to destroy countless human embryos to provide more cell lines and qualify for federal grants. However, no alleged future ''promise'' can justify promoting the destruction of innocent human life here and now, whatever its age or condition.

The argument that ''excess'' embryos may be discarded by clients anyway is morally deficient. Such arguments have been rejected by our government in all other contexts, as when harmful experiments have been proposed on death-row prisoners or on unborn children intended for abortion. The fact that others may do harm to these nascent lives gives Congress no right to join in the killing, much less to make everyone else complicit in it through their tax dollars.

While these moral considerations are paramount, it is also worth noting that the factual assumptions behind the embryonic stem

cell campaign are questionable. Embryonic stem cell research is not showing the remarkable ''promise'' claimed by supporters, but lags far behind adult stem cells and other approaches that are providing real treatments for dozens of conditions. Experts now predict that treatments may emerge in ''decades'' or not at all. Other experts admit that use of so-called ''spare'' embryos is only a transitional step in any case, that creating human embryos (by cloning or by in vitro fertilization) solely for destructive research will be the next essential step. We also know that only 3% of frozen embryos in fertility clinics are designated by their parents for use in research—ensuring that attempts to move toward large-scale research or treatments will require creating and destroying new human lives on a massive scale.

In the name of sound ethics and responsible science, Congress should reject H.R. 810.

S. 2754, ''ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT''

Even supporters of destructive embryo research have said that ''the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research'' (National Bioethics Advisory Commission, Ethical Issues in Human Stem Cell Research, Sept. 1999, Vol. I, p. 53). Congress has a responsibility to explore how such research may be advanced without creating moral problems.

S. 2754 serves this important goal, by funding efforts to derive and study cells which have the capabilities of embryonic stem cells but are not obtained from a human embryo. For example, many studies suggest that stem cells from adult tissues and umbilical cord blood already have the versatility once thought to exist only in embryonic cells, or may acquire this versatility by various forms of ''reprogramming.'' Pluripotent stem cells may or may not have advantages over other stem cells for some forms of research—and such advantages, if any, are most likely not in the area of providing direct treatments for patients. But the effort to explore all feasible avenues of research that do not attack human life is worth pursuing.

This bill does not fund research using human embryos, and references a careful definition of ''human embryo'' in the Labor/HHS appropriations bill that has served the cause of ethical research very well since 1996. In the case of any technique whose nature is uncertain, the bill provides for additional basic and animal research, to make certain that the technique does not create or harm embryos before it can be applied to humans. In short, it defines a clear and responsible policy that should be supported by defenders of the sanctity of human life, as well as by those tempted to support stem cell research that destroys life.

S. 3504, ''FETUS FARMING PROHIBITION ACT''

This bill amends current federal law against abuses in the area of fetal tissue research, to prevent the most egregious abuse of all: the use of human fetal tissue (such as fetal stem cells) obtained by growing human embryos in a human or animal uterus in order to provide such tissue.

Because no member of Congress has voiced support for such atrocities, the only argument against this bill may be that it is not needed because no one wants to do such a thing. I wish this were true. But in fact, most animal studies cited as ''proof of principle'' for so-called therapeutic cloning have required exactly this—placing cloned animal embryos in a womb and growing them to the fetal stage to obtain usable stem cells. Some researchers call this the new ''paradigm'' for human treatments from cloning. And while the biotechnology industry insists it has no interest in maintaining cloned human embryos past 14 days, it has supported state laws such as one enacted in New Jersey which allow such ''fetus farming'' into the ninth month of pregnancy to harvest body parts. (See ''Research Cloning and 'Fetus Farming''' at www.usccb.org/prolife/issues/bioethic/cloning/farmfact31805.htm.) Now is the time to enact a national policy against such grotesque abuse of women and children, by approving S. 3504.

In short, the Senate has an opportunity to approve two bills that respect both science and ethics—and to reject misguided legislation that ignores ethical demands in its pursuit or an ever more speculative and elusive ''progress.'' Technical progress that makes humans themselves into mere raw material for research is in fact a regress in our humanity. Therefore, I strongly urge you to oppose H.R. 810, and to approve the other two bills proposed as part of this agreement.

Sincerely,

Cardinal WILLIAM H. KEELER,
Archbishop of Baltimore, Chairman, Committee for Pro-Life Activities, U.S. Conference of Catholic Bishops.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 17, 2006.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: The U.S. Senate will vote this week on three crucial bills dealing with the sanctity of human life. Two bills promote ethical means of research, while the third promotes the unethical destruction of human embryos. We support passage of S. 3504, The Fetus Farming Prohibition Act of 2006, and S. 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act. We oppose in strongest possible terms passage of H.R. 810, The Stem Cell Research Enhancement Act of 2005.

The Fetus Farming Prohibition Act of 2006 (S. 3504) would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's or an animal's womb for the purpose of providing such tissue. This respectable bill would prevent the manufacture and ultimate abortion of human fetuses for research, a practice that would create life for the sole purpose of destroying it.

The Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) would provide new federal funding for research on alternative means for producing pluripotent stem cells without creating or harming human embryos. This is an ethical alternative to the third bill, H.R. 810, which would instead provide federal tax dollars for stem cell research on embryos created at in vitro fertilization (IVF) clinics.

The Stem Cell Research Enhancement Act of 2005 (H.R. 810) would overturn President Bush's longstanding policy that bars federal funding of research that involves killing additional human embryos to obtain stem cells. Researchers who take stem cells from embryos created by IVF destroy humans who might otherwise be given the opportunity of birth, like the 100 ''snowflake'' babies who have been adopted as embryos from IVF clinics in the United States. Frozen embryos are clearly not ''unwanted'' as many of the bill's supporters claim, and must not be seen as expendable resources for the sake of so-called ''more valuable lives.'' Proponents of H.R. 810 claim that embryonic stem cell research could lead to the discovery of cures for diseases. However, to date it has been a fruitless pursuit yielding not even a single treatment for a disease. Research on non-embryonic stem cells, on the other hand, has produced treatments for 70 ailments, often with dramatic results.

We must seek to protect human life at all stages and promote only ethical stem cell research. The votes on these three bills directly affect whether or not human life will be protected from conception to birth in the United States. Your assistance in assuring passage of S. 3504 and S. 2754 and defeat of H.R. 810 will be greatly appreciated.

In His Service,

DR. RICHARD LAND.

The PRESIDING OFFICER. The minority controls the next 30 minutes.

Mr. HARKIN. Mr. President, I yield 3½ minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, I rise on behalf of millions of Americans and their families holding out hope that the Senate will do the right thing today, which is to support embryonic stem cell research so that scientists have the resources they need to potentially save millions of lives.

I voted for the Stem Cell Research Enhancement Act when I was in the House, and I strongly support it.

My support for this promising research is painfully personal. When I visit my mother, who suffers from Alzheimer's, and see her vacant stare, in which she doesn't even recognize her own family, I just cannot comprehend how anyone in this body can vote against this bill and deny families their last hope for a cure from the loneliness and confusion caused by this horrible disease.

Embryonic stem cells have the ability to grow into virtually any cell in the body and thus have the potential to cure people like my mother and many others. That is why this research is so vitally important.

Millions of Americans just like my family are waiting in hope that we will do the right thing. Those with loved ones suffering from Alzheimer's, Parkinson's, or juvenile diabetes wait in hope that their prayers will be answered and cures will be found in their lifetime. Across America, families in which a child or a parent is paralyzed from a traumatic accident hold out hope that we will do the right thing and give their loved ones back the life they knew before their injury.

President Bush and other opponents of this legislation know all too well the overwhelming public support for this promising research, but they still can't bring themselves to stand up for the people's interests over the special interests, stand up for sound science over ideology. Instead, they say one thing and do another.

You can't say you support cures, then turn around and oppose the most promising research. You can't say you support research and turn around and oppose the vital funding that will make breakthroughs possible.

For those who insist on playing politics with people's lives, make no mistake about it: The American people are

watching, and they will not take kindly to seeing their last flicker of hope being extinguished.

The only thing more callous than no hope is false hope.

To those who say they are for research but vote against this legislation, they must answer to the mother who must care for her child who can't walk because of a spinal cord injury, to the wife who must help her ailing husband battling Parkinson's disease, to the father forced to watch his daughter inject herself with countless insulin needles for the rest of her life.

By saying one thing and doing another on this issue, you are creating false hope and putting these and millions of other families on yet another roller coaster of despair. I know this is true because my sister and I and our children deal with it when we look into the eyes of my mother who no longer recognizes our faces. My mother and her terrible suffering brought me to this fight, but my children and the hope for a cure for future generations inspires me to keep fighting.

We have an obligation to stand up and do what is right today in the Senate. American families and future generations simply cannot afford for us to fail them now.

Mr. HARKIN. Mr. President, I yield 8 minutes to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. In just a short hour or so, the Senate will finally vote on passage of this important stem cell act. This is a long time coming.

I believe and hope that we are going to have a very strong vote in favor of this critical scientific research. I also hope that President Bush will reverse his earlier veto threat and sign this bill that holds such promise for so many Americans suffering from catastrophic illness.

This issue, and this debate, is really about hope. It is about giving hope of a scientific breakthrough to millions of Americans suffering from chronic, debilitating, and devastating disease.

We can't stand here on the Senate floor and pretend that we know which scientific advances will cure diabetes, ALS, or cancer. Unfortunately, some of my colleagues have done just that. They have insisted that adult stem cells and cord blood cells are being successfully used to treat at least 65 illnesses. They argue that there is no reason to move forward with this bill, no reason to make new lines of stem cells available. However, adult stem cells present serious limitations and embryonic stem cell research offers unique promise.

Embryonic cells derived from embryos are pluripotent, meaning they can become any type of cell. Adult stem cells cannot, and, therefore, their application is limited. These embryonic cells are easy to grow, isolate, and study. Adult stem cells are harder to grow in a lab. These embryonic cells can divide. They can renew themselves for long periods. Adult stem cells, on the other hand, exist only in small amounts. All these properties make these stem cells an excellent target for scientific exploration.

Now, there have been heartrending stories of people suffering from diseases such as leukemia and other blood disorders who experience relief from adult stem cells or cord blood cells, and that is just great. This progress is encouraging and it should move forward. But these advances in treatments have not addressed the needs of patients suffering from other diseases.

In juvenile diabetes, for example, scientists have discovered that adult stem cells in the pancreas do not play an effective role in insulin production. To cure the disease, doctors will need insulin-producing cells to inject into their diabetic patients. This is done now on a limited basis, but there aren't enough donor cells available. Stem cells could change this. They could provide an unlimited amount of cells that are compatible with the patient, making anti-rejection drugs simply unnecessary. Of course, if we don't let our scientists try, we will never know.

Dr. Douglas Kerr of Johns Hopkins—and I used this yesterday on the floor—headed a team that used embryonic stem cells to treat 15 rats that had been paralyzed by an aggressive infection that had destroyed their cord nerve cells. Eleven of these rats experienced significant recovery. They regained enough strength to bear weight and take steps on their previously paralyzed hind quarters.

A few years ago, no one thought this could be done. Dr. Kerr explains that this is, in essence, a cookbook recipe to restore lost nerve function, and that this procedure could some day be used to repair damage from ALS, multiple sclerosis, or spinal cord injuries.

He says:

> With small adjustments keyed to differences in nervous system targets, the approach may also apply to patients with Parkinson's or Huntington's disease.

The NIH Director, Dr. Zerhouni, called this a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise. What an advance this would be. Can you imagine if you could regenerate the spinal cord, once again, and if paraplegics and quadriplegics could again function? That is what this bright frontier is all about. That is what is so very important.

All of this takes time. Scientists first isolated human embryonic stem cells only 8 years ago, and in that time they have learned a substantial amount about how these cells work and how they could one day be used in treatment.

But there is also a lot we don't know. Some have suggested because there have been no miraculous cures in this 8-year period, there will never be useful treatments that come from this technology. But none of the great feats of scientific inquiry have been simple. That is for sure. Scientific progress takes time and investment. Our researchers today have made discoveries, many in mice, that could prove just as revolutionary as the introduction of penicillin in the 1940s. These preliminary discoveries will amount to nothing unless researchers have access to Federal funding and viable stem cell lines to move forward.

In the last 2 days we have heard a great deal about the hope that the passage of Castle-DeGette would bring to patients and their families.

I would like to say a final word about hope. I simply cannot believe that President Bush would select this legislation as his first veto as President of the United States. I know that he has issued a veto threat, but think about it. Think about the millions of people. Think about the fact that if you are really pro-life, these embryos—which will never become human life, which are discarded, which will not be used, which are the product of in vitro fertilization—these embryos are never going to be babies, as the opposition would have us believe. Think of the lives that these embryos might save some day. People paralyzed, people with juvenile diabetes, young people with Parkinson's disease who can't move and who have trouble speaking—think about what this can mean in terms of being for life.

That is why I think if the President thinks about this, we all have the hope on this side of the question that he will not veto this legislation.

The President himself recognized the promise of stem cell research back in 2001 when he attempted to find a middle ground. But 5 years later, it is apparent, there is no middle ground. We need embryonic stem cell research, and this is the way to do it. I am hopeful that this body will vote aye.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California and also the next speaker, Senator KENNEDY, for their great leadership over all of these years to give hope to so many Americans. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to extend, as I think all of us in this body want to, appreciation to the Senator from Iowa, as well as the Senator from California and the Senator from Pennsylvania, for their long, continuing, and ongoing leadership in such an important area for families in this country.

This afternoon, the debate on stem cell research will draw to a close. For Senators, life will go on. Next week, the Senate will deal with other issues and other questions. But millions of Americans don't have that luxury. For them, the struggle against disease isn't something they think about for a few brief days. It is something they confront every day of their lives.

A child coping with endless injections of insulin and constant worries

about blood sugar cannot simply turn away from this debate. Someone watching helplessly as a parent or a spouse succumbs to the tremors of Parkinson's disease cannot simply move on to other concerns.

For us, a vote on stem cell research may take only a few moments in a busy day. But for millions of Americans, the consequences of our vote may last a lifetime.

Should this lifesaving legislation pass through Congress, President Bush has said he will veto it. The President may believe that ends the debate, but it does not. This debate will continue as long as lives are diminished and cut short by diseases and injuries that stem cells might cure. This debate will go on as long as there are those of us who believe that rather than discard unwanted embryos, we should embrace them to bring fuller lives to millions of people.

For their sake our battle continues—tomorrow, next week, next month, and in the days ahead. To those who suffer and cling to hope, we promise that we will never give up. The promise of a better day that embryonic stem cell research brings cannot be denied forever.

I want to take a moment to address some of the arguments our opponents on this issue have made during this debate. Dr. Thomas Murray, one of the Nation's leading scholars in bioethics, has a simple saying: ''Good ethics starts with good facts.'' It is like John Adams, who said, ''Facts are stubborn things.'' Sadly, on this most important ethical issue we have heard some very questionable allegations.

We have heard that adult stem cells have conquered disease after disease and therefore our legislation is not needed, but the facts tell a different story. The Nation's leading scientific society, the American Association for the Advancement of Science, recently published an extensive study that disputes these claims. Contrary to the allegation of opponents of our bill, adult stem cells have not treated Parkinson's disease, cancer, lymphoma, brain tumors, multiple sclerosis, arthritis, lupus, sickle cell anemia, heart damage, spinal cord injuries, and many other conditions.

The Cancer Research and Prevention Foundation was so concerned about the misleading claims that adult stem cells are curing cancer that they sent Congress a letter setting the record straight. Their letter states that the studies used to support these claims are ''not extensive and by no means prove that adult stem cells are effective in treating these cancers.''

In fact, out of the hundreds of diseases and injuries that our legislation might address, only nine have shown promise for treatment with adult stem cells. Let's hope that in time this situation changes. If adult stem cells can cure cancer or Parkinson's disease or spinal injury in the future, we will all—all rejoice.

But we must not foreclose the chance of progress with embryonic stem cells while this possibility is tested. No matter how deeply held the convictions are of those who oppose our legislation, they cannot erase the facts. The objective evidence has convinced the Nation's leading medical experts that embryonic stem cell research has unique potential and unparalleled promise.

Our opponents have also said that because there have as yet been no cures from embryonic stem cells, we should continue to restrict the research. Is it truly a surprise that a discovery made only a few years ago has yet to move to the clinic, especially when NIH has been prohibited from funding the most promising areas of research?

Knowledge about the function of DNA is the foundation of modern medical science. It underlies the development of every major new drug and medical treatment today. In 1973, scientists discovered how to splice pieces of DNA together, the fundamental breakthrough that led to the biotechnology wonders of today. But there were no clinical trials or new cures based on that historic discovery for years that followed.

Human embryonic stem cells were discovered in 1998. Of course, they have not led to a range of new cures in the brief time since then, just as discovering how to splice DNA did not lead to immediate clinical breakthroughs. But it would be just as foolish to keep restricting stem cell research today as it would have been to stop basic DNA research in the 1970s because it did not produce instant cures.

The ethical debate surrounding stem cell research is not unique. Such debates have accompanied many breakthroughs and new therapies. It is essential for researchers to be bound by strict ethical guidelines, especially in the early days of a new science as we seek to understand its potential. Such controversy also accompanied other lifesaving and beneficial medical developments, such as DNA research and in vitro fertilization. But now, DNA research has saved lives and is alleviating suffering. And IVF has brought the joy of parenthood to couples across America. Would any of us turn back the clock and shun the new medicines that DNA research has brought? Would any of us deny the joy of children to those able to conceive only through IVF? Of course not.

In a few short minutes, the Senate will decide whether to open the extraordinary promise of stem cell research to millions of Americans who look to it with hope for new cures and a better day.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 2 minutes 45 seconds.

Mr. KENNEDY. Two years ago I held a forum on stem cell research. One of the participants was Moira McCarthy Stanford from Plymouth, MA, whose 14-year-old daughter was suffering from juvenile diabetes. I received this letter from her:

For as long as I can remember, I've had to take a lot of leaps of faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just ''a new kind of normal.'' I've had to just smile and say I'm fine when a high blood sugar or low blood sugar forced me to the sidelines in a big soccer game; or into the base lodge on a perfect ski day; or out of the pool during a swim meet.

But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001, I just could not accept it. You see the one thing that has helped me accept all I've had to accept these years is the presence of hope. Hope keeps me going.

That night, President Bush talked about protecting the innocent. I wondered then: what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on; there is nothing I can do to make it any better. All I can do is hope for a research breakthrough and keep living the difficult, demanding life of a child with diabetes until that breakthrough comes. How, I asked my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life.

I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again—dream of that great time when I write a thank you letter to the Senate, the House and everyone who helped me become just another girl; a girl who dreamed and hoped and one day, got just what she wanted: her health and future. That's all I'm really asking for.

Mr. President, in a few moments we will have the opportunity to answer her. I hope the answer will be in the affirmative.

I yield whatever time remains.

Mr. LEAHY. Mr. President, I would like to take this opportunity to offer my perspectives on the issue currently being debated by the Senate, stem cell research. The debate over this issue in the Senate is long overdue. The promise this research holds for finding treatments or cures for diseases such as Alzheimer's, diabetes, Parkinson's, Lou Gehrig's disease and cancer is immeasurable.

It has been 5 years since the President announced his administration's restrictive policy on stem cell research, a policy that limited the number of stem cell lines available for use with Federal funding. All of these lines are contaminated by the use of mouse feeder cells and will likely never meet the standards required for human treatment. The United States leads the world in the medical expertise that can find cures and treatments for these scourges. But it has become abundantly clear that the President's restrictive policy is hindering scientific progress toward the discovery in the United States of possible cures and treatments for many fatal diseases that affect millions of Americans, and millions more around the world.

More than a year ago, our colleagues in the House passed legislation that would reverse the President's limiting policy. Since then, as we have all waited for the Senate to act, many more who suffer from catastrophic illness and could have been helped by research

of this kind have passed away. Many of us are grieving the loss of Dana Reeve, a vocal advocate for stem cell research, who lost her battle with cancer last March. She and her husband, Christopher Reeve, had become two of the public faces in the struggle for advancement of stem cell research.

The Senate will vote on three stem cell bills today. However, H.R. 810 is the only bill that will give real reason for hope to millions of Americans and their families. Take the case of a woman from my State of Vermont who was diagnosed with multiple sclerosis in 1999. Forced to give up her career as a musician because she could no longer use her hands to play the piano, she began working as a clerk in a gift store, only to have to give up that job because she had trouble handling money and sometimes broke the items in the store. Her plea to me—and really to all of us—is deeply moving. Listen to her appeal: ''If there is any chance stem cell research might help MS, it must be done. There is nothing else for MS patients to look forward to . . .''

I would like to address two of the arguments that opponents of this stem cell research offer against the passage of H.R. 810. They contend that there is no need for public funding of this research because private funds are available in some situations. While there are private dollars being used for embryonic stem cell research, public funds are needed to spur on this research, to lead this research effort to the cutting edge of progress, and to harness the work of our National Institutes of Health. Public funding is also needed to keep the United States competitive with other countries in this arena.

At the University of Vermont, for example, researchers are using bone marrow stem cells to repair damaged tissues in various organs. This work could be expanded with the infusion of Federal research dollars.

A second misdirected argument is that this embryonic stem cell research is not needed because alternatives to embryonic research hold more promise than the current method. Some argue that embryonic stem cell research is not needed because it has not yielded any results. However, none of the proposed alternatives has proven successful for deriving human stem cells, and there is no guarantee that any of them ever will. While it is true that embryonic stem cell research has not yet led to human therapies, it is important to remember that this field is only in its infancy. This is because President Bush's restrictions have prevented federally funded investigators from fully exploring the potential of this research.

The President has indicated his intent to veto H.R. 810 should the Senate pass this bill. I join my colleagues in urging him not to use the first veto of his administration to block funding for this research. H.R. 810 is a bill that has garnered support across the faith community and across political lines. I respect those who raise concerns grounded in what they believe are moral and ethical issues surrounding this issue. I would assure them that this bill contains provisions that will ensure donor consent for the use of the embryos for medical research. The bill also maintains that research on these stem cells will be conducted in an ethical manner.

Those who oppose stem cell research seemingly ignore the fact that embryos used for this research will be otherwise discarded. Women at fertility clinics are given an option of what to do with unused fertilized embryos. At the discretion of the donor, embryos can be preserved, donated for medical research, or discarded. In the United States, there are more than 400,000 frozen embryos which are stored for infertile couples, and many ultimately will be thrown away. The options of discarding these embryos or allowing them to be used for lifesaving research would seem to offer a clear choice to those on both sides of this debate.

I am proud to be a cosponsor of S. 471 and I urge the Senate to pass the Stem Cell Research Enhancement Act so we can begin realizing the promise of this research.

Mr. AKAKA. Mr. President, of the three bills being discussed, only one, H.R. 810, the Stem Cell Research Act, contains language which would lead to substantive expansion of stem cell research. The legislation would authorize Federal funding for research on stem cells derived from donated embryos. These embryos will likely be destroyed if they are not donated for research. The bill also would institute strong ethical guidelines for this research.

We must pass this legislation so that researchers are able to move forward on ethical, Federally funded research projects that develop better treatments for those suffering from diseases. Human embryonic stem cells have such great potential because they have the unique ability to develop into almost any type of cell or tissue in the body. Stem cell research holds great promise to develop possible cures or improved treatments for a wide range of diseases, such as diabetes, cancer, Parkinson's disease, Alzheimer's, autism, heart disease, spinal cord injuries, and many other afflictions. We cannot afford to limit research that could help improve the lives of so many who currently suffer from diseases which we have limited ability to prevent, treat, or cure.

If we fail to enact H.R. 810, our researchers are likely to fall further behind the work being done in other countries. Australia, Canada, Finland, France, Japan, Singapore, Sweden, and the United Kingdom have provided substantial governmental support for stem cell research.

The President's restrictions on stem cell research prevent Federal funds from being used for research on newer, more promising stem cell lines. In addition, embryonic stem cell lines now eligible for Federal funding are not genetically diverse enough to realize the full therapeutic potential of this research. The President's stem cell policy prevents researchers from moving ahead on an area of research that is very promising. We need to pass this legislation to help move research forward that could alleviate the pain and suffering of individuals.

The other two bills being debated do not provide much help. I agree with the American Diabetes Association that neither S. 2754 nor S. 3504 ''would have any real impact on the search for a cure and better treatments with diabetes.'' These two bills are no substitute for H.R. 810. I am hopeful that we will be able to pass H.R. 810 and ensure that it is enacted. I am a proud cosponsor of S. 471, the Senate companion legislation to H.R. 810, which was introduced by my colleagues, Senator SPECTER and Senator HARKIN. We have a responsibility to do all that we can to support this promising research that has the potential to improve the lives of individuals suffering from diseases.

On June 21, 2005, I met a young constituent, Dayna Akiu, at a hearing on juvenile diabetes in our Homeland Security and Governmental Affairs Committee. Dayna shared with me her success at overcoming the problems associated with diabetes, which meant a lot to her as an active soccer player. Dayna wanted me to also know that children have a very difficult time managing their diabetes. For example, checking blood sugar and taking insulin shots is hard to do for anyone suffering from diabetes, especially for children. Stem cell research has the potential to make life better for Dayna and countless others. Every time I meet with constituents advocating for increased stem cell research, I am reminded of the great possibility of improving their lives through this innovative medical research. We must allow this research to move ahead to improve the lives of Americans of every age across this country.

Mr. SALAZAR. Mr. President, I rise today to discuss the question currently before the Senate regarding whether to allow Federal funding for embryonic stem cell research.

It is clear from the last 2 days of debate in the Senate that people on both sides of this issue have very strong feelings about their positions, and rightly so. This is an extremely important issue that raises a whole host of questions to which there are no easy answers.

On one hand, we must consider the fundamental question of how to treat potential human life. On the other, we must consider the vast potential of a scientific field that could greatly improve millions of actual human lives and save millions more. When the stakes are this high, we are obligated to have an honest, open, and thorough debate.

In keeping with the gravity of these questions and the potential ramifications of how we answer them, I believe

that both the Government and the scientific community should address them responsibly.

Like millions of other American families, my family has been touched by the ache of loss brought about by Alzheimer's disease. My father died of complications only a few years ago. At the end of his life, I wanted nothing more than to be able to help ease his suffering. Now, as I reflect on that difficult time, I think of the families that are currently enduring the same pain mine did, and I want to help them.

I trust the vast majority of the scientific community that believes embryonic stem cell research may hold the key to the cures these families are seeking. I also believe that our Government can work to promote this science responsibly by paving the way for treatments that will save millions of lives without destroying others.

Toward that end, I believe the legislation passed by the House represents a measured, responsible step toward tapping into the vast potential that embryonic stem cell research has with respect to finding cures for Alzheimer's, Parkinson's, diabetes, and a wide range of other devastating diseases.

In millions of cases, H.R. 810 could mean the difference between a normal life and one of pain and suffering. In millions of other cases, it could mean the difference between life and death. By authorizing Federal funding only for research on embryonic stem cells that will never become human life and that are donated willingly, it achieves its objectives without destroying the potential for life.

To be sure, support from private funds for this research has been welcome. But it is not enough. I have heard from scores of scientists in my home State of Colorado—working in university labs as we speak, trying to find cures for our most devastating diseases—who tell me that the Federal funding H.R. 810 would authorize would boost their capabilities exponentially.

In addition to the practical impact on American laboratories, however, there is something else to consider. I can think of no other Nation that should lead this research with strict guidelines than the United States. Throughout our Nation's history, America has been the leader in making monumental scientific strides—on everything from cars to computers to medicine—that have made life easier and better for people in our country and all over the world. In a field with such great promise, I believe we owe it to our history and to our position in the world community to once again be the leader.

I want to be clear that I also believe we should promote research on adult umbilical cord stem cells, as well as alternative methods of creating embryonic stem cells. In addition, we should do everything in our power to prevent unethical and repulsive practices from pervading this kind of research. For that reason, I strongly support the other two proposals that are currently before the Senate, S. 2754 and S. 3504.

As I make these remarks today, I think once again of my father. I also think of other fathers, mothers, brothers, and sisters across this great Nation who live every day with debilitating conditions that stem cell research could help cure. Suffering that could be stopped. Lives that could be saved. Families that could stay together.

We have an opportunity to make great strides on these fronts today and to do so responsibly. I urge my colleagues to support H.R. 810.

Mr. WYDEN. Mr. President, today we must reach across the aisle and make a strong bipartisan statement supporting embryonic stem cell research and challenge our scientists to use embryonic stem cells to see if the promise of treatments and cures can be made a reality for the many around our country and around the world who look to this research for hope.

The Web site of the National Institutes of Health says it most clearly. That Web site states embryonic ''stem cells have potential in many different areas of health and medical research. To start with studying stem cells will help us to understand how they transform into the dazzling array of specialized cells that make us what we are. Some of the most serious medical conditions such as cancer and birth defects are due to problems that occur somewhere in this process. . . . Pluripotent stem cells offer the possibility of a renewable source of replacement cells and tissues to treat a myriad of diseases, conditions and disabilities including Parkinson's and Alzheimer's diseases, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis and rheumatoid arthritis.''

Scientists believe that Parkinson's disease, Alzheimer's, and spinal cord injuries are some of the areas that could be helped through embryonic stem cell research. I see no reason embryonic stem cell research should be treated any differently than other research.

Some say embryonic stem cell research has not helped to date. Some point out that there has not been much success in stem cell research since it began in 1998. This kind of research has been only done for less than 10 years. That is a nanosecond when it comes to scientific research. In comparison, Congress passed the National Cancer Act in 1971. This was legislation to make ''the conquest of cancer a national crusade.'' That legislation greatly accelerated the pace of cancer research and its translation into treatment. However it was not until 2005, when cancer deaths in the United States declined for the first time since 1930, when the United States started tracking cancer deaths. In the intervening years treatments evolved to help people fight cancer and live longer and better with the disease.

Those opposed to this research say that supporters of embryonic stem cell research have overpromised the benefits of the research. Without expanding the research beyond the bounds of current policy, people will never know what might have been.

California, New Jersey, Illinois, and a few other States have stepped up to help fund research, but they should not be expected to carry this burden alone. H.R. 810 will give clear the way for researchers to use Federal funding to access other cell lines than the 22 currently approved lines and provide access to other critical tools needed so research in this promising new area can be accelerated to the benefit of all. I urge support for H.R. 810.

Mrs. BOXER. Mr. President, I rise in support of this long overdue legislation to expand stem cell research.

When this issue first came up with President Bush in 2001, he had a choice between helping scientists conduct lifesaving research or putting politics before science. To the detriment of the millions of Americans suffering from diseases and conditions for which there is no cure, the President chose politics and decided that Federal funds could only be used for research on existing stem cell lines.

At the time, there were 78 existing stem cell lines—only 22 of which were usable. Scientists agreed that this was nowhere near enough to fulfill the promise that stem cell research provides. To make matters worse, scientists at the University of California San Diego and the Salk Institute for Biological Studies in La Jolla conducted an extensive study showing that even those lines are contaminated by mouse feeder cells—and unsuitable for human therapies. So the President's policy—painted as a compromise at the time—left scientists with little to no chance to advance their research.

At least 10 countries have made significant financial commitments to stem cell research. Our commitment is less than one quarter of Australia's. Our country's failure to lead on this is having significant consequences. Here is one example:

After the President's announcement in 2001, Roger Pedersen, one of the world's leading stem cell researchers, announced that he was leaving his faculty position at the University of California San Francisco for one at the University of Cambridge. He saw a promising future for stem cell research in the United Kingdom, yet saw none in the United States.

We need to change this.

I am proud to say that California recognized that our Federal policy was unacceptable. The State has enacted the Nation's first law to permit research involving human embryonic and adult stem cells while facilitating the voluntary donation of embryos for stem cell research. Now how did this happen in California? It started with one man and one family.

Roman Reed was 19 years old when he broke his neck in a college football game and became paralyzed. Roman's

parents led a campaign in 2002 to pass legislation to invest in spinal cord injury research.

Then, in November 2004, Californians passed Proposition 71, which provides $3 billion in State funding over 10 years for embryonic stem cell research. Unfortunately for Roman and his family, legal challenges have stalled these funds, and with them, stalled their hope for a brighter future.

More States are considering their own initiatives, but these State efforts simply can't supplant the resources and expertise that would result from research supported by this administration and the National Institute of Health.

Today, after years of struggling to pass this legislation, we have an opportunity to offer hope to thousands of Americans and put America back on the cutting edge of science. We know we can make a difference when we give our scientists the tools and support to do their work.

Because of our national commitment to scientific achievement and through NIH-supported research, death rates for heart disease and sudden infant death syndrome have been nearly cut in half in the past several years. The number of AIDS-related deaths fell 70 percent between 1995 and 2001. HIV/AIDS has become a disease that more people live with and fewer die from. And as a result of critical research at the National Cancer Institute at NIH, the survival rate for children with cancer rose by 80 percent in the 1990s.

The current Federal policy has been a roadblock to progress. This bill will put us back on the right track. Some in this body have been telling the American public that stem cell research is morally wrong. But we have taken every step to address their concerns in this bill.

This legislation would only allow Federal funding of research on stem cell lines derived from excess fertilized embryos that were never actually used in couples' in vitro fertilization processes. Right now, these embryos are being discarded, and we are losing hundreds or even thousands of valuable new stem cell lines.

I believe it is wrong to have those embryonic stem cell lines go to waste when we could instead offer hope to Americans suffering from devastating medical conditions. We have a moral imperative to try to relieve their pain.

That is why we have seen a broad coalition of people across political lines that support this research. One example is former First Lady Nancy Reagan. She took a stand that was based on compassion and not politics. For many years, she cared for President Reagan. She inspired millions of Americans with her quiet courage and dignity. She knows that this research holds the best hope for the 4.5 million people who, like her late husband, suffer from Alzheimer's. She knows that supporting stem cell research would save many lives.

Our beloved Christopher Reeve—who we all know was paralyzed from a riding accident—supported and actively campaigned for this research because he knew that those 250,000 to 400,000 people with spinal cord injuries potentially could be treated.

How many of us have ever seen a colleague, friend, or family member suffering from a terrible disease like Parkinson's? Where the sufferers and their families struggle with debilitating physical deterioration, ever-changing medications with terrible side effects and the knowledge that the patient's condition will continue to decline—often fatally?

How many of us have met with constituents and patient advocate groups—like the ALS Association, the Juvenile Diabetes Research Foundation, the Leukemia and Lymphoma Society—that share their stories of courage and great hope for the passage of this legislation? Stem cell research has the potential for finding cures to diseases like Parkinson's, ALS, diabetes, and cancer, and has the great potential to reduce suffering. We should fulfill that potential and pass this important legislation now.

I hope that Senators support H.R. 810 because we can change the current policy and open the door to major advances in medical science through stem cell research.

President Bush has said that he will veto this legislation if it reaches his desk. I ask him to reconsider this unwise decision. The lives of millions of Americans are in his hands.

Mr. CONRAD. Mr. President, as the Senate debates stem cell research, I wanted to indicate that I will be supporting all three measures before the Senate. I will support these measures because I have great faith that some day this promising research will lead to cures for some of our most devastating diseases.

This is not a decision I came to hastily. I have thought long and hard about stem cell research. Hundreds of North Dakota families have told me this research is the key to helping their loved ones lead healthy lives. I have also heard from North Dakotans who have very strong religious objections to stem cell research. I respect their views. But, in the end, I believe we should put an appropriate ethical framework in place to give hope of a cure to those who suffer from disease. That is why I am supporting stem cell research.

In 2001, a group of U.S. Senators, including me, called on President Bush to allow Federal funding of stem cell research. The President agreed and created the current policy of allowing research but only on those lines developed by August 9, 2001. This arbitrary date has limited the ability of scientists to fully realize the potential of stem cell research. In fact, there are only 22 lines available today, and all are contaminated. I think it is right to expand the available lines. And it is imperative that we create a strong framework to ensure this research is done in the most ethical way.

It has been over a year since the House of Representatives took action on H.R. 810, the Stem Cell Research Enhancement Act, and passed it with overwhelmingly bipartisan support. This bill expands Federal research while strengthening the ethical guidelines associated with it. To be clear, this bill would only allow research on stem cells taken from excess embryos used in fertility treatments. Fertility clinics help couples have a baby, but sometimes this therapy produces extra embryos, which can be disposed of, donated to other couples, or used for research. A 2003 study estimated that 400,000 excess embryos are currently stored in these clinics and more than 11,000 of those have been designated for research. This bill simply allows researchers access to those embryos.

H.R. 810 also requires that these embryos would never be implanted into a woman and that the individual has given written consent for the donation. Under the current policy, there are no such guidelines. I believe these requirements are essential to ensuring the strongest ethical behavior.

Before I close, I would like to share the stories of two young girls that I have had the pleasure of meeting. Their stories—as well as the thousands of others like them—have deeply impacted my decision to support H.R. 810. Ashley Dahlen and Camille Johnson are both teenagers suffering with juvenile diabetes. And I truly mean suffering. They each have scars on their fingertips from where they have to check their blood sugars constantly, even while they are sleeping. They have to stay home from school when their sugars are too high. Both have had extremely close calls and have been hospitalized. Without a cure, both will end up on dialysis and will suffer other complications, possibly even heart failure.

These young girls and their families support stem cell research. They want to grow up, get married, and have children of their own. They continue to hope that one day, stem cell research will provide them a cure to this most awful disease. I share their hope and faith in stem cell research. Today, I am voting to pass this hope along to the millions of children and families suffering from diseases that could be cured using stem cell research.

Mr. BYRD. Mr. President, today, the Senate is debating H.R. 810, the Stem Cell Research Enhancement Act, which would allow the Federal Government to provide additional funding for embryonic stem cell research. I have received numerous heartfelt letters from constituents outlining their concerns with embryonic stem cell research. These are concerns which I simply cannot overlook or dismiss.

I know the suffering and worry that families go through when a loved one desperately needs treatment for a serious progressive illness. Easing the pain

and suffering of our loved ones, our daughters, sons, parents, and grandparents, should be at the hallmark of a caring society. The potential of finding cures for Parkinson's disease, Alzheimer's, cancer, and diabetes must not be ignored.

I understand the promise for embryonic stem cell research to yield treatments and therapies for numerous diseases; however, we must not overlook the ethical concerns associated with such research. I am a great supporter and will continue to be a proponent of fully funding the Centers for Disease Control and the National Institutes of Health for research into cures for cancer, diabetes, and heart disease, to name a few, which is why I also support H.R. 810. However, the moral implications of embryonic stem cell research must not be discounted.

We are not just debating whether the scientific and medical communities should continue the exploration of embryonic stem cells their impact on medical conditions. If Federal funds begin to flow without also addressing moral issues such as human cloning, how long will it be before an ethical crisis of our own making erupts? This is why the Congress should also debate a framework to ensure that practices such as reproductive cloning do not take place. The Senate has taken up three bills, none of which provides guidance about stem cell research's future development. None of these bills addresses the need to examine the possibility that embryonic stem cell research might lead to potential immoral outcomes, such as the cloning of human beings for illegitimate purposes. We must not dismiss these ethical and moral undertones. A comprehensive approach must be devised to protect science and medicine against misuse and public backlash. While I will support H.R. 810 in order to help provide hope to those who suffer from diseases, the Congress must take a hard look into ensuring scientific integrity as this medical research proceeds.

Mr. LIEBERMAN. Mr. President, I rise in support of the stem cell bills currently being considered by the Senate. Frankly, this debate has been too long in coming and I commend my friends, Majority Leader FRIST and Minority Leader REID, on coming to an agreement and bringing this debate to the floor.

This is as real as it gets. This is about life over death and hope over despair. This is about encouraging astounding scientific advances that can relieve the suffering of millions of our fellow citizens, or accepting a shriveling stasis that, in fact, sounds a retreat as we watch the rest of the world march past us.

We have before us three stem cell bills, but only one, the Stem Cell Research Enhancement Act, H.R. 810, deals with embryonic stem cells.

Let me say that with a big ''E.'' These embryonic stem cells actually hold the greatest promise for those afflicted with currently incurable diseases such as Alzheimer's, heart failure, and spinal cord injury. These stem cells are pluripotent—that is they can differentiate into any and all tissues.

There is still much to know about what causes appropriate differentiation of embryonic stem cells, but if we conduct research to answer these questions, we will have the scientific power to replace dead neural tissue and muscle and cancerous white blood cells, with fresh new ones.

The potential is breathtaking. What this means is that an individual with quadriplegia could walk again. The elderly affected by Alzheimer's can be brought back from a hellish twilight and rejoin their families. Childhood leukemia could be banished to the realm of distant memory. And Americans everywhere will have a second chance at running with strong loud hearts.

The science on embryonic stem cells is new and complicated, which is why we need our Nation's brightest minds working on this. Yet in 2001, President Bush issued an executive order which effectively banned federally funded embryonic stem cell research. This has stifled our Nation's attempts to lead the world in harnessing the potential and miracles of embryonic stem cells. The President reasoned, like many who oppose this bill, that the process of embryonic stem cell extraction amounts to abortion because these cells have to be taken from microscopic embryos that do not survive the process.

What the President did not mention is that the embryos under discussion number in the tens of thousands. They are the unused embryos from in-vitro fertilization, are frozen in fertility clinics, are unique, and will be thrown away.

I repeat: Thrown away. The chance to offer new life to millions of Americans suffering from debilitating by disease or injury will be discarded as medical waste.

Given these facts, the choice seems clear. The Senate must choose to advance the scope of our scientific knowledge and expand the horizons of our medical technologies.

The House has already done this. Last year, by a vote of 238 to 194, the House passed H.R. 810, introduced by Representative MICHAEL CASTLE, which authorized federally funded research on embryonic stem cell lines derived from surplus embryos at in-vitro fertilization clinics, provided that donors give consent and that they are not paid for the embryos.

The Senate today has the opportunity to join the House and we must do so by a resounding majority to convince the President that a veto of the Stem Cell Research Enhancement Act is contrary to what Americans want.

More than 65% of Americans support federal funding of embryonic stem cell research across all party lines.

Finally, I do support the other two pills being considered alongside the Stem Cell Research Enhancement Act. But a vote for them without a vote for H.R. 810 is the height of cynicism.

Let us be clear, alternatives to embryonic stem cells, such as umbilical cord and adult bone marrow stem cells, are inferior alternatives. They do not have the same regenerative potential and Congress has already authorized money that is currently being used for research in this area.

Today we stand at destiny's doorstep with the chance to have it swing wide and open into a new age of scientific and medical understanding. We must not hesitate.

I urge my colleagues to join me in passage of H.R. 810 and I call on President Bush to sign it into law and not veto the hopes and dreams of millions of Americans for whom astounding new cures may lie just over the threshold of our present knowledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has until 3:15. I think it is about 8 minutes.

Mr. HARKIN. Eight minutes? Then I yield myself 8 minutes, I guess.

First of all, Mr. President, I thank all the Senators who came here to speak in support of H.R. 810, Republicans, Democrats, liberals, conservatives, moderates. I think it has been a very good debate.

When I started the debate, I talked about hope. Senator FEINSTEIN spoke about that. Senator KENNEDY just spoke eloquently about hope. I think that is where we should close the debate, on hope, because H.R. 810 offers real hope. It offers real hope to people who are suffering from Alzheimer's, from ALS, Lou Gehrig's disease, Parkinson's, spinal cord injuries, juvenile diabetes. It offers hope to their loved ones and their families.

Senator KENNEDY just read the statement by Lauren Stanford about her hope, her hope that she can one day be whole again. To repeat for emphasis sake what Senator KENNEDY just said, Lauren Stanford—she is innocent, as she said. She did nothing to bring on her diabetes. As she said, all I have is hope.

I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again.

The one thing that has helped me accept what I have had to all these years is the presence of hope. Hope keeps me going.

That is Lauren Stanford. ''Hope keeps me going.''

H.R. 810 basically opens the door and lets in the sunshine. It opens the door for more responsible research, research done with good peer review, research done with good oversight, and, I might add, research done with strong ethical guidelines that we have in H.R. 810.

I remind my colleagues and all who are watching, the ethical guidelines in H.R. 810 are stronger than what exists

right now—stronger than what exists right now.

The American people get it. They understand this. We know in a recent poll that asked, ''Do you support embryonic stem cell research?'' that 72 percent said ''Yes.'' That is almost three out of four. Most of these American people who support stem cell research don't have MDs. They don't have a Ph.D. But they know one thing: virtually every reputable biomedical scientist, almost all Nobel Prize winners, say that embryonic stem cell research holds enormous potential to cure diseases and injuries. They know that.

That is why 591 groups, disease advocacy groups, patient groups, scientific groups, research institutions, religious groups—591 American organizations support H.R. 810. That is why over 80 Nobel Prize winners have written to us asking us to pass H.R. 810. The American people get it. They know what is at stake.

As I said, it has been a good debate. I thank Senator FRIST, our majority leader, for engineering this debate and making it possible for us to have an up-or-down vote on H.R. 810. But I must say, in the last couple of days, what has saddened me is that so much time has been spent talking about whether adult stem cells or embryonic stem cell research is the way to go. Frankly, the vast majority of American people could care less. They could care less. They want cures. They want cures for Parkinson's and Alzheimer's and juvenile diabetes and spinal cord injuries. They want their loved ones to have a better life, a fuller life, a pain-free life—less suffering.

If adult stem cells get us there, fine. If embryonic stem cell research gets us there, fine. We should not shut the door; we want to open the doors. We have done 30 years of work on adult stem cell research and not one of these illnesses has yet been cured or even remotely cured by adult stem cells. We have only had embryonic stem cells for 8 years, but we ought to open the doors.

It is a false dichotomy to say that it is either adult stem cells or embryonic stem cells. As Senator SMITH of Oregon said today so eloquently, the people of America want these embryos that are left over from IVF clinics not to be discarded but to give the gift of life to those who suffer.

Last night when I left the floor of the Senate, I met a young man out here, the first time I ever met him. His name is Jeff McGaffrey. He is sitting here on the floor of the Senate today. I didn't know this: he is an intern on the HELP Committee. He was appointed to the U.S. Air Force Academy in Missouri, and during his first year there he suffered an accident and now doesn't have the use of his legs. He is paralyzed from the waist down.

I want to read this. This is a letter from Jeff McGaffrey.

Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I led as an officer in the Armed Forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or an army, but against disease and injury.

I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the Armed Forces.

I ask that you please keep my hope alive, and not just my hope but the hopes of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury.

Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, the Stem Cell Research Enhancement Act. We know not where embryonic stem cell research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.

I ask unanimous consent that Jeff McGaffrey's letter be printed in the RECORD.

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

DEAR SENATOR HARKIN: My name is Jeff McCaffrey, and I had the wonderful privilege of meeting you last night at the end of the stem cell debate. As you could tell, I was confined to a wheelchair. I currently suffer from paralysis due to a spinal cord injury. I am a resident of the great state of Missouri, currently interning for the Senate HELP Committee through Chairman Enzi working on the health policy team. I'm also a student at the University of Missouri-Kansas City.

I have not always been a student at the University of Missouri-Kansas City, nor have I always been confined to a wheelchair. I was appointed to the U.S. Air Force Academy following high school. It was an honor that I continue to be proud of. Unfortunately I suffered a spinal cord injury while I was there. I believe one of the greatest honors and responsibilities that an individual can have is being an officer in the armed forces, leading soldiers in service to our nation. This was, and still is, my goal, my ambition, one in which I would dedicate my life to.

Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I would have lead as an officer in the armed forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or army, but against disease and injury.

I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the armed forces.

I ask that you please keep my hope alive, and not just my hope, but the hope of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury. Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, The Stem-Cell Research Enhancement Act. We know not where embryonic stem cell research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.

Whether cures are found, whether my dream becomes a reality or not, I hope my service, in whatever capacity it might be, can lay the foundation for a better world, which is exactly what the brave men and women who serve our country do everyday.

Respectfully,

JEFF MCCAFFREY
Former U.S. Air Force Cadet.

Mr. HARKIN. Mr. President, I close with this thought. So many people are suffering in our country. They have hope.

My nephew Kelly was injured 27 years ago serving his country—just like Jeff McGaffrey—on an aircraft carrier in the Pacific. He was sucked down by a jet engine and broke his neck. He has been paralyzed for 27 years. He keeps his hope alive. He has followed this debate. He has followed years of research. Kelly McGuade is a smart young man. He has followed it, and he knows that the one thing which gives him the best hope is embryonic stem cell research.

Are we today going to dash their hopes? Are we going to shut the door, pull the curtain down, and say, I am sorry? What all the major scientists with the best minds say is the best potential—are we going to close the curtain and shut the door?

I say open the door. Bring in the sunshine. Let our scientists move ahead with the strong ethical guidelines, with good peer review and with good oversight to give hope to my nephew, to Jeff, and to millions of Americans.

I yield the floor.

Mr. ALEXANDER. Mr. President, embryonic stem cell research has enormous promise for lifesaving treatments that may help cure juvenile diabetes, Parkinson's, spinal injury, and other debilitating diseases. That is why I will vote today for the House-passed legislation that allows Federal funding of research on stem cells derived from excess embryos at fertility clinics that would otherwise be discarded.

President Bush has already said that Federal funds may be used in some cases for research on some stem cell lines derived from fertilized eggs. This bill will increase the number of stem cell lines available for research.

With the help of fertility clinics, some perspective parents use fertilized eggs to help them have children. The excess eggs that these parents don't use often are thrown away. I support using some of these fertilized eggs under carefully controlled conditions with the consent of the donors for potentially lifesaving research.

I will also vote for two other bills this afternoon. The first bill encourages stem cell research that does not involve the destruction of embryos, and the second bill bans fetal farming—the practice of creating fetuses solely for research purposes.

Mr. MCCAIN. Mr. President, I will vote in support of all three bills under

consideration today, which together provide a framework for addressing the issue of stem cell research. This research holds the potential to unlock cures that could defeat deadly diseases and relieve tremendous human suffering. At the same time, one type of stem cell research, involving embryonic stem cells, has also raised serious ethical and moral concerns, both inside and outside the medical community. I believe the framework provided by the three bills before us today offers a way forward.

S. 2754 offers increased Federal funding and support for adult stem cell research and other types of stem cell research that do not involve the use of human embryos. Scientists believe this research holds tremendous potential, and I share their hope. Countless numbers are affected by the many diseases that this type of research may offer future cures.

In promoting stem cell research, one of the lines that must not be crossed is the intentional creation of human embryos for purposes of research rather than reproduction. A second bill before us, S. 3504, draws a line that says we in the United States will not abandon our values in pursuit of scientific progress. This bill bans the practice of what has been referred to as ''fetal farming.'' It makes it a Federal crime for researchers to use cells or fetal tissue from an embryo that was created for research purposes. This bill also makes it a Federal crime to attempt to use or obtain cells from a human fetus that was gestated in the uterus of a nonhuman animal. These provisions close important gaps in our existing laws, and I urge my fellow Senators to join me in supporting this bill.

It is important that we act now to address these issues because research involving embryonic stem cells is also proceeding outside the United States. Unfortunately, the intense focus on ethical and moral concerns that has driven the debate in America, as reflected in the President's Commission on Bioethics, is not always present in private industry and the scientific community in other parts of the world. I am concerned about the path that some of this unregulated research leads us down. Of particular concern is the potential for experimentation into human cloning. Our involvement through this legislation is another protection against sanctioning such practice within our own borders. I am concerned that ongoing research elsewhere may result in the routine acceptance of deeply troubling practices, in particular the intentional creation of human embryos for purposes of research rather than reproduction.

However, it doesn't have to be this way. The United States offers a climate for scientific and medical research because of the quality of our educational institutions, the strength of our economy, and the scope of our comprehensive legal and regulatory system for protection of intellectual property rights. The final bill before us, H.R. 810, will allow us to attract scientists to perform highly regulated embryonic stem cell research that will otherwise take place in an unregulated environment somewhere else. This bill authorizes Federal support for embryonic stem cell research but limits that support to scientists who use embryos originally created for reproductive purposes, and now frozen or slated for destruction by in vitro fertilization clinics. H.R. 810 requires that prior to even considering whether to donate unused embryos for research, the patient who is the source of the embryos must be consulted, and a determination must be made that these embryos would otherwise be discarded and would never be implanted in the patient or another woman. This provision ensures that patients with excess embryos will first consider the possibility of embryo adoption, and only if this option is rejected will the patient then be consulted concerning the possibility of embryo donation. A patient donating embryos that would otherwise remain frozen or be destroyed must give written informed consent, and H.R. 810 makes it illegal for anyone to offer any sort of financial or other inducement in exchange for this consent.

All of these carefully drawn rules contained in H.R. 810 do not exist in the status quo, and this sort of embryonic stem cell research remains largely unregulated in the private sector and in many parts of the scientific community overseas. Federal oversight that will come with approving this bill will allow us to ensure that this research does not expand into ethically objectionable ground in balancing the promise on the foreseeable horizon of stem cell research with the protection of human life. It should be clearly noted that this type of research will proceed with or without Federal approval, so I believe that it is best carried out under strict Federal guidelines and oversight. It is my hope that by offering limited Federal support in the context of the framework provided by the three bills before us today, we can realize the benefits of stem cell research while also drawing clear lines that reflect our refusal to sacrifice our ethical and moral values for the sake of scientific progress.

Mr. DOMENICI. Mr. President, stem cell research has brought to the forefront the longstanding debate between bioethics and advancements in medical science. Stem cell research evokes hope in scientific progress while at the same time reminding us of its ethical hazards. Unquestionably, this is one of the most difficult public policy issues the Senate has discussed in many years.

I wish to make it very clear that I do not oppose stem cell research. I support and encourage research that uses cells derived from adult tissues and umbilical-cord blood and hope that an alternative source of embryonic stem cells, one that does not destroy embryos, can be found. I believe that it is possible to advance scientific research without violating ethical principles. It is my intention to support the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, which will support the use and further development of techniques for producing pluripotent cells like those derived from embryos but without harming or destroying human life.

After much reflection on this issue, I have determined that I personally cannot support H.R. 810, the Stem Cell Research Enhancement Act. Taking stem cells from an embryo kills that embryo, and destroying human life is never justified even if it is done in order to benefit others. Obtaining good for oneself at the cost of another is contrary to my deepest held moral beliefs.

I do not believe the American public should have to fund research that many find morally objectionable. The future of this research does not require a policy of Federal funding. There is no ban on private funding of embryonic stem cell research, and there are other resources available to fund this type of research. The State of California has even chosen to use State taxpayer funds for embryonic stem cell research.

It is also my intent to support S. 3504, the Fetus Farming Prohibition bill. This bill would make it illegal to perform research on embryos from ''fetal farms,'' where human embryos could be gestated in a nonhuman uterus or from human pregnancies created specifically for the purpose of research.

Although it is often portrayed as such, the debate over embryonic stem cell research is not easily reduced to simple positions in support or opposition. Good people can and do disagree on this very complex issue. It is my belief that by pursuing the appropriate scientific techniques we can alleviate human suffering and also preserve the sanctity of human life, and it is for these reasons that I cast my vote today.

Mr. SPECTER. Mr. President, I wish to address some of the comments made by my colleagues, Senators BROWNBACK and COBURN, during the debate regarding H.R. 810.

Senator COBURN stated that ''every disease Senator HARKIN listed—every disease save ALS—has an adult stem cell or cord blood stem cell cure that has already been proven in humans, without using embryonic stem cells.'' Senator HARKIN listed the following diseases and injuries: cardiovascular disease, autoimmune disease, Alzheimer's, Parkinson's, spinal cord injuries, birth defects, and severe burns. My response to Senator COBURN is where are these cures of which he speaks? Cardiovascular disease remains the No. 1 killer of Americans. Autoimmune diseases like multiple sclerosis and lupus confound family members of Senators in this Chamber. Nancy Reagan would likely have heard of a cure for Alzheimer's disease. Christopher Reeve recently passed away and

his spinal cord injury was not healed by adult or cord blood stem cells. To say that ''proven cures'' exist is to defy the experience and insult the intelligence of millions of Americans.

Senator COBURN stated that we are telling the American people that there are ''no cures other than fetal stem cell research . . . the fact is there is not one cure in this country today from embryonic stem cells.'' First, I have always supported all forms of medical research. My goal is to attain cures and treatments for diseases by whatever technology works. If there were restrictions on adult stem cells, I would be the first to introduce legislation to eliminate those restrictions. The fact is, there are no restrictions on Federal funding for adult stem cell research, and there are severe limitations on Federal funding for embryonic stem cells.

Now, to the point on there being no cures from embryonic stem cells: That is a self-fulfilling prophecy. Human embryonic stem cells were discovered in 1998. Since that time, there have been severe limitations on the funding for basic research into how to make proper use of these incredible cells. Perhaps, if we had not had any restrictions, there would now be cures available. When I say that ''embryonic stem cells hold great promise for treating, curing and improving our understanding of diseases'' like diabetes, Parkinson's disease, amyotrophic lateral sclerosis, and heart disease, I am quoting Dr. Elias Zerhouni, President Bush's appointee as head of the National Institutes of Health, NIH. When I say that ''human stem cell research represents one of the most exciting opportunities in biomedical research,'' I am quoting Dr. David Schwartz, the Director of the National Institute on Environmental Health Sciences and 18 other Directors of the NIH. These are the leaders of the biomedical research enterprise in the United States and the world.

Senator COBURN stated, that ''as a matter of fact, [these stem cell lines] are not contaminated.'' I can only respond by telling you that Dr. James Battey, the Chairman of the NIH Stem Cell Task Force—and the man in charge of keeping track of the 21 approved lines—says ''All of the 21 human embryonic stem cell lines eligible for Federal funding have been exposed to mouse cells.'' It is unlikely these cells will ever be useful for the clinical applications and cures that everyone wants.

Senator COBURN stated that ''there is no limitation in this country at all on private research.'' I do not agree with that statement. Privately funded research in the United States counts on scientists and doctors trained by the NIH. The chokehold on Federal funding has kept young scientists from entering the field of stem cell research and limited the number and quality of scientists who can do the work that private investors would like to see done. In addition, when it comes to the basic research that is a necessary first step in curing diseases, private funds are no match for the almost $30 billion investment we make at the NIH.

Senator BROWNBACK notes that this is a question of when life begins. I say this is a question of when life ends. These embryos are already slated to be thrown away. The decision the Senate faces is do we throw these cells away or do we use them to treat diseases that affect over 100 million Americans. This is most definitely a question of when life ends.

Senator BROWNBACK has introduced into the record a list of 72 Current Human Clinical Applications Using Adult Stem Cells. That list includes lupus, multiple sclerosis, testicular cancer, and Hodgkin's lymphoma. I was surprised to find Hodgkin's lymphoma on this list as I have some personal experience with that disease. My physician, Dr. John Glick, a recognized expert in the field of Hodgkin's lymphoma, stated that he had never heard of such a treatment or cure. I wish that I had known that a ''cure'' existed for this disease when I was undergoing chemotherapy, as I would have liked to have avoided some of the unpleasant side effects. I state this to illustrate the point that the diseases on that list are diseases for which adult stem cell therapies have been attempted. In most cases, it just means that doctors tried a bone marrow transplant. There is no doubt that bone marrow transplants are a miraculous treatment, however, they have only been proven to be helpful in blood diseases and enhancing immune systems. The great promise of embryonic stem cells is to expand the group of diseases that can be cured to include motor-neuron, cancer, and cardiovascular diseases. This is the great potential that makes patients, like me so excited.

My goal is to enable our scientists and doctors to discover cures that will end the suffering of millions of Americans. Passing H.R. 810 will enable scientists to include stem cell research in their search for cures.

Mr. STEVENS. I support passage of H.R. 810, the Stem Cell Research Enhancement Act of 2005.

Research using embryonic stem cells will likely play an important role in developing treatments and cures for conditions such as diabetes, heart disease, Parkinson's, Alzheimer's, cancer, and other devastating diseases.

With the appropriate safeguards in place over the use of stem cell tissues, the potential improvements to our quality of life and our standards of care should be pursued.

It is clear from my conversations with scientists representing many disciplines that the stem cell lines permitted under the administration's policy allowing Federal funding from embryonic stem cell research on those cell lines in existence on August 9, 2001, are no longer adequate to allow them to pursue the breakthroughs in treatments and cures which stem cell research promises.

This bill does not allow embryos to be created for use in research; rather, it allows scientists to use embryos that already exist in storage at fertility clinics that would otherwise be destroyed.

It does not make sense to me to discard embryos that might otherwise be used to find a cure for cancer, diabetes, or Alzheimer's because it is ''taking a life.'' These embryos are slated for destruction in any case. None of the bills before us today would prohibit the destruction of unwanted embryos created in fertility clinics but then unused.

I hope that my colleagues would prefer to have this research conducted in our country where appropriate safeguards to prevent cloning of human beings may be put into place. If Federal funds cannot be used for this research in our own country, scientists will find ways to conduct this research in other countries where such safeguards may not be in place, and where Americans might not reap the benefits of the research.

We must provide the means for science to move forward to cure and treat diseases that plague our people. I urge my colleagues to support H.R. 810.

Mr. TALENT. Mr. President, earlier this year I came to the Senate floor in opposition to human cloning and in support of new stem cell alternatives that could allow us to get exactly the stem cells we want to relieve human suffering without creating, destroying, or cloning a human embryo. I said during that speech that it appears that the very advances of science that have caused the ethical dilemmas in this area of stem cell research may now be providing a solution.

The alternatives bill, S. 2754, seeks a genuine way forward that all Americans can wholeheartedly endorse.

One year ago, the President's Council on Bioethics issued a report entitled ''Alternative Sources of Human Pluripotent Stem Cells.'' This report outlined four proposals for obtaining pluripotent stem cells—those with the same properties and potentials as embryonic stem cells—using techniques that do not involve the destruction of human embryos. In the year since that report, major advances in each of these approaches have been documented in peer-reviewed research articles published in leading scientific journals.

Two of these ''alternative methods'' offer the possibility of obtaining superior stem cells with potential scientific and medical advantages over those that could be obtained by destroying embryos.

Altered nuclear transfer and direct reprogramming would permit the production of pluripotent stem cell lines of specific genetic types. This would allow standardized scientific studies of genetic diseases and possibly patient-specific or immune-compatible cell therapies.

So it is important to recognize that this alternatives bill, S. 2754, could encourage advances in stem cell biology unlike any current law or pending legislative approach. And it could do so in a way that would sustain moral and social consensus for full Federal funding of this research. I note that the bill will pass with an overwhelming vote—exactly the kind of consensus which I hoped for.

For all of these reasons, I will vote enthusiastically for the alternatives bill. I will oppose H.R. 810, which uses tax dollars to fund research that requires the destruction of human life at its earliest stages. The Federal Government has never funded such research before, and that is not a line I wish to cross—especially since, as the alternatives bill shows, it is possible to fund every type of stem cell research without cloning or destroying human embryos. In fact, the stem cells which the alternatives can provide are superior—because they are ''patient specific'' genetically—to the stem cells which science can get from destroying embryos.

I should add that the promise of the alternatives is speculative, but so is the promise of the research which would destroy human life. All of this research has potential, it is all speculative, and it all involves essentially the same science. My sense is that either all of it or none of it will prove to be possible and that the right balance is therefore to seek the win-win solution that gives us the best chance to relieve human suffering while protecting human life.

We are entering a promising new era in biomedical technology, but as our power over human life increases, so does the seriousness of the moral issues. We should all want to advance biomedical science while sustaining fundamental principles for the protection of human life. This is why I am also voting in favor of the prohibition against fetus farms.

Biomedical science should be a matter of unity in our national identity: No one should enter the hospital with moral qualms about the research on which their therapies had been developed or resentful that positive possibilities for the best therapies were not explored.

The differences within our Nation can be a source of strength as we seek to open a way forward for biomedical science. The alternatives offer us just such a path to progress.

Mr. REID. Mr. President, it is my understanding that I have 15 minutes. Am I correct?

The PRESIDING OFFICER. The Democratic leader is correct.

Mr. REID. Mr. President, for those of us who are fortunate to represent our States in the Senate, it is a high honor and a privilege, but we tend to not understand sometimes the eyes that are watching what we do. Today, the eyes of millions of people are watching us to see what is going to happen in the Senate as it relates to H.R. 810. Many of these people, who are afflicted with dread diseases, having had perhaps serious accidents, are personally concerned about what we do here today. But in addition to those people who are personally concerned as a result of the maladies that afflict them, there are millions of us—fathers, mothers, sons, daughters, aunts, uncles, neighbors, friends, brothers, sisters—who are all also watching and hoping that their loved ones someday will be better.

What is hope? What do you say about hope? If you had to put the words in a dictionary for hope, what would you say? I looked in the dictionary under ''hope.'' There is a very simple definition: to cherish the desire with anticipation. That is what this is all about: people who cherish, desire, and anticipate that we will do something to make their lives better.

Shortly here in the Senate we are going to vote on a measure that will allow those people to have hope. It is called the Stem Cell Research Enhancement Act, a piece of legislation that keeps hope alive for millions and millions of people in America—hope for a 17-year-old, almost 18-year-old, Molly Miller. I have followed her disease since she was a little girl. She is a twin. The sister Jacki and herself as twins tended to go every place together. One is sick, one isn't. One feels the pain personally, one feels the pain emotionally.

This legislation gives hope to Molly and Jacki Miller of Las Vegas, a pair, a team, twins, who suffer from juvenile diabetes.

What is a twin? I guess the best way to describe a twin is when I was flying to Las Vegas on a very crowded airplane, I was in one seat and there were two little girls in the middle seat and the window seat. I began to sit down. I looked at the girls. They looked alike. I said, Are you sisters? One girl looked at me very directly and said to me, No, we are twins.

Jacki and Molly have suffered and suffered together because they are more than sisters, they are twins.

This legislation will give hope to a man by the name of Robert Alfertelle of Boulder City, NV. He is confined to a wheelchair because of Parkinson's disease.

We all know friends and neighbors who have diseases who have hope of being cured as a result of what we are doing here on the Senate floor today. These diseases can be cured. We are told they can be cured.

You have heard the recitation of these difficult diseases that people have with the hope that they can be cured if we do the right thing here today. For too long these good people have been denied hope because we in the Senate haven't acted. The House passed this bill 14 months ago. Unfortunately, until today it has been stalled here in the Senate.

The Americans who would benefit from cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as the definition of marriage. They waited through weeks of ideological debate dedicated to the well-off, connected few. In fact, we spent weeks here on issues that would affect less than .02 percent of Americans to repeal the estate tax. We spent time here on flag burning. We have waited through a health care week that had nothing to do with getting America help. We have all waited too long—so long in fact that on May 1 former First Lady Nancy Reagan was so baffled and disappointed by the continued delays in the Senate she wrote a letter, which I quote:

> For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and very hard to understand.

I too am disappointed that we have had to wait 14 months for this vote. I am grateful the wait is over. I believe that because of the persistence of Democrats in the Senate, we will thankfully finally vote on the Stem Cell Research Enhancement Act, H.R. 810. This legislation provides a rare opportunity for this Congress—some say this ''do-nothing Congress''—to consider legislation about curing disease and saving lives, not partisan politics.

This body needs to pass this legislation because the President's current stem cell policy is hindering promising medical research that could lead to treatment and cure for diseases and conditions. Under the President's stem cell policy, Federal research funds can be used on only a small number of chronic stem cell lines, most of which are contaminated, and that were created before August 9, 5 years ago.

Under this policy, only 21 stem cells qualify, many of which are contaminated and are certainly inferior to new and more promising stem cell lines. I have heard people come to this floor and say why should the Federal Government get involved? We are spending $3 billion a week in Iraq. I think we can get involved. We have gotten involved in a lot of things dealing with medical research, as well we should.

We have worked for years spending Federal taxpayer dollars on doing something about AIDS research. Last week it was announced that instead of having to take as many as 36 pills a day, there is now one pill for people who are HIV infected—one pill that does the same as 36 pills did, and in fact probably better. People have had to get up in the middle of the night to take medications.

All of that research is funded by the Federal Government. New drugs for epilepsy were started by Tony Coelho who was a whip in the House, and who was an epileptic. He led the charge. We spent lots of Federal dollars on epilepsy, and we have made great progress.

Gene therapy involved the fragile X syndrome. We spent millions of Federal

dollars on stroke prevention, screening for Downs syndrome. We have spent hundreds and hundreds of millions of dollars on cancer research, on digestive bowel disease, lupus, and diabetes.

These are dollars well spent. We have made progress. But the most eminent scientists in the world tell us that they need this legislation passed. Our Government is needlessly impeding the work of our Nation's top scientists who cannot use Federal funds on research, on new and more promising stem cell research that does not pose the risk of contamination that the eligible stem lines do.

This legislation would solve this problem by expanding the number of human embryonic stem cell lines eligible for federally funded research to include new stem cell lines that would be derived from any of the more than 400,000 surplus embryos from fertility clinics that will never be used to create a pregnancy and would otherwise be thrown in the trash.

Just as important, this legislation would ensure that stem cell research is conducted under ethical guidelines that are more strict than the President's current policy.

In short, this legislation would allow our Government to do everything it can under strict ethical guidelines and oversight to develop treatments for a wide range of diseases and conditions.

That is why this legislation is supported by 41 Nobel laureates, virtually every major medical, scientific, and professional association, major research universities, and patient advocacy organizations.

Before we vote on the Stem Cell Research Enhancement Act, the Senate will first consider two other measures. Neither one of these measures is a substitute for H.R. 810. The only reason they are here is to provide political cover for the political opponents of this legislation. The opposition knows that their opposition to stem cell research is outside the American mainstream, so they want to give themselves political cover by voting for two meaningless bills. It is playbook straight from the Republican Orwellian world of politics. Neither one of these bills would do any harm but neither would have any impact at all. There is nothing included in S. 2754 which cannot already be accomplished without this legislation. The National Institutes of Health Director has told the Judiciary Committee this exact thing. It doesn't do anything that can't be done now.

The second bill, the Fetus Farming Prohibition Act, bans activity that no scientist is currently doing or wants to do. I will vote for both of them. They are meaningless.

While I support all three of these bills, there is only one that matters, H.R. 810, the Stem Cell Research Enhancement Act which will clear the way for research that can lead the way for treatments and cures for a wide range of diseases and conditions.

Don't take just my word for it. Hundreds of patient advocacy groups, health organizations, research universities, scientific societies, religious groups, and other interested organizations, representing millions and millions of patients, scientists, health care providers and advocates, wrote the following in a letter to the Senate:

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country . . . The other two bills . . . are not substitutes for a yes vote on H.R. 810.

I ask unanimous consent the full text of this letter, dated July 14, 2006, signed by almost 600 organizations, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 14, 2006.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are not substitutes for a yes vote on H.R. 810,

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Mr. REID. Mr. President, America needs a new direction not only in what is going on in Iraq but what is going on with medical research. We will take a step in that direction by passing H.R. 810.

A vote against H.R. 810, regardless of how Members vote on the other two measures, is a vote against research and cures. A vote for it is a vote for millions of Americans who are looking to us right new for help. A vote for H.R. 810 is a vote to keep hope alive. Let's keep hope alive.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I understand I have 15 minutes under my control.

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I yield 3 minutes on my time to Senator DODD, who has been unable to come to the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the majority leader immensely for his generosity. I know we are about to close out this debate, and I am appreciative of him allowing me this time to express my strong support for this legislation. I commend the majority leader, along with my colleagues from Pennsylvania and Iowa, Senator SPECTER and Senator HARKIN, and others who have championed this issue. I commend the other body for passing this legislation, the Stem Cell Research Enhancement Act, over a year ago and by a fairly substantial majority vote.

My hope is that my colleagues, in a significant vote, will endorse and support what has already been done in the House. Then we can finally deliver on promising stem cell research that may one day provide relief to the more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, ALS, cancer, and many other devastating conditions for which there is still no cure.

This is controversial, there is no question about it. But as the distinguished minority leader, the Democratic leader, pointed out, we are talking about embryos that would otherwise be discarded but can now be used to one day make a difference in the lives of literally millions and millions of Americans.

I am the godfather of a child with juvenile diabetes. I cannot begin to state how my friend's family in Connecticut feels about legislation. I don't know what their politics are on this. I know they are a family with deep values and a deep sense of support for their church. They are also a family whose child's life could be made profoundly different if it were possible to examine embryonic stem cells thoroughly so that one day we can find a cure for juvenile diabetes. But, obviously there are others diseases, including Parkinson's, ALS, cancer, and other devastating conditions we can make a difference on. With the passage of this bill, we can say to these children and these families we can make a difference.

I emphasize, again, these 400,000 embryos would otherwise be discarded. Strict ethical requirements apply to the use of these embryos. In fact, I believe these ethical requirements are one of the most essential provisions of the bill. Since the HELP Committee first began consideration of the President's policy on embryonic stem cell research in 2001, I have maintained that the pursuit of scientific research that may benefit millions of Americans and their families was as important as ensuring that science did not outpace ethics.

Under this legislation, the only embryonic stem cells that can be used for federally-funded research are those that were derived through embryos from in vitro fertilization clinics that were created for fertility treatment purposes and were donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited. Their embryos will never be implanted in a woman and would otherwise have

been discarded. The ethical requirements contained in this bill are stronger than current law. In fact, it's possible that some of the twenty-one stem cell lines currently approved for federally-funded research, the so-called ''NIH-approved lines,'' may not meet the strict ethical criteria contained in this bill.

I have heard some of my colleagues who oppose this legislation argue that this legislation allows, even encourages, taxpayer-funded destruction of human embryos. That is totally false. An amendment is attached to every annual Labor-HHS appropriations bill prohibiting any Federal funds from being used to destroy human embryos. This amendment, referred to as the ''Dickey amendment,'' is not affected by this legislation. Federal funds can be used to study stem cell lines that were derived from human embryos that meet the ethical requirements I just laid out, but the derivation process itself cannot be funded using Federal dollars.

I have also heard some of my colleagues who oppose this legislation argue that embryonic stem cell research is unnecessary given the advances in adult stem cell research. Let me quickly say, with respect to adult stem cells, I am strongly supportive of moving aggressively in that area. I am a strong supporter. In fact, I authored the legislation which is now law advancing bone marrow and cord blood stem cell collection for use in adult stem cell transplantation. For both of my young daughters, we took the umbilical cord blood from the children at birth and it is being stored. My hope is that stem cells from cord blood will prove to be tremendously valuable to coming generations of Americans. I urge my colleagues to join me in supporting full funding for this important law—which passed unanimously in the Senate—in the upcoming Labor-HHS appropriations bill.

The fact remains that there will always be limits to the use of adult stem cells when compared with embryonic stem cells and that is why the legislation before us is so important. Our Nation's best scientists, including many Nobel Laureates, believe that embryonic stem cell research has a unique potential to ease human suffering and that is because embryonic stem cells, unlike adult stem cells, can become any cell in the body. Embryonic stem cells can become heart cells, lung cells, brain cells, among others, and that property—called pluripotency—is unique to their embryonic state.

Let us not lose this opportunity. I urge the President to reconsider, to listen to the majority leader, listen to Senator SPECTER, Senator HARKIN, and others who have spent countless hours examining this issue and see if he would not be willing to change his mind on this issue to avoid a Presidential veto. My hope is we will get strong bipartisan support on this bill.

I intend to support the Fetal Farming Prohibition Act and the other legislation being offered. I think those bills are unnecessary, but nonetheless I will be glad to support them. But let's also pass the Stem Cell Research Enhancement Act by a strong vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, last year I made a commitment to try to bring H.R. 810, the Stem Cell Research Enhancement Act, to the floor. This week, I followed through on that promise. Over the last 2 days, we have discussed science, we have discussed ethics and how those two issues, science and ethics, interplay.

That is important because stem cell research will be the first of many major moral and ethical challenges to biomedical research that this Senate has the responsibility to address in the 21st century. We will face similar discussions again and again as biomedical science rapidly advances, especially as we learn more and more about molecular and cellular developmental biology. It is our responsibility as legislators, as representatives of the American people, to determine the proper role for our Federal Government, both in financial support, as well as in ethical oversight, in this evolving, new, exciting research and to build around it appropriate ethical safeguards and appropriate ethical framework.

As legislators, as representatives, we must participate in defining this research, surrounding the culture of life. If we don't do so, the research itself will begin to define us and who we are.

Biomedical research holds great promise, but it is a promise that must be harnessed within these moral and ethical safeguards. The secret, the heart of human dignity, is living within limits—ethical limits and moral limits—limits that do not hamper human scientific advances but, rather, allow us to preserve and promote them. That is why it is important and appropriate that we can consider all three of the bills that have been debated over the last 2 days. In the Fetus Farming Prohibition Act and the Stem Cell Therapies Enhancement Act, we realize the potential of research practices that may actually bridge moral and ethical differences, while the Stem Cell Research Enhancement Act seeks, by other means, to expand the number of embryonic stem cell lines available for federally funded research.

Over the last 2 days, we have engaged in a robust debate, a full debate, highlighting the ethical dilemmas presented by research about those very early beginnings of life, as well as the potential, the hope for this research.

I close by making a final comment on what I believe is this inherent need for policy surrounding science and add a cautionary note in this discussion. I am optimistic about the future. I am optimistic because of these remarkable, exciting, rapidly accelerating advances in developmental biology. New doors of exploration have been exploding and opened by things such as the Human Genome Project, by our new knowledge of molecular genetics, molecular sequencing, cellular mechanisms. Some have called the 21st century—we are in the early years of the 21st century—the century of the cells, a century that will explode with regenerative medicine, the ability to replace cells that had been damaged by disease or ill health.

As a heart surgeon, I can't help but to dream of no longer having to cut out a diseased heart, a heart that is failing, and replace it with a donated heart because advances in cell therapy, advances in regenerative medicine will allow us to repair tissues or regenerate that new cardiac tissue, healthy tissue, without any surgery at all.

Ten years from now, today's hope can be that reality. In 15 years, whole organ-heart transplantation could—we do not want to overstate but could be relegated to the history books. That is why it is so important to bring this debate to this Senate, to allow science to advance, to promote science with strong ethical oversight.

In the last century, we faced a whole range of ethical considerations; in my own field of heart transplantation, decisions about how you define brain death. The discussion went on for years and years, actually two decades, into the late 1960s, ethical discussions about to whom you decide to give that healthy heart, when you have so many people who are dying—ethical decisions that have to be made every day.

We have had controversies over blood transfusions, genetic therapy, we even faced controversy over the treatment and diagnosis of HIV/AIDS. But as we have seen over the course of today's and yesterday's debate, the future will bring even more profound ethical questions. They will continue to come with increasing frequency as we continue to unlock those mysteries of health and disease.

How we in humanity handle this gathering, this increasing control over cellular and molecular science, as well as developmental biology, will reflect who we are as a people and where we are going. We can't hide from, as representatives of the American people, nor should we, the questions that this new knowledge presents. Our votes today are a mere step, a first step toward beginning to answer them.

Throughout today's debate, I have heard a number of my colleagues, myself included, talk about the potential for healing, that inherent hope offered by adult stem cells as well as embryonic stem cells, but it is important that advocates not oversell the potential for medical treatment. As a physician, I understand the importance of promoting hope and of giving hope, but it is irresponsible to give false hope. This evolving science is relatively new, and even our basic research has to be done before we can truly give that hope to become reality, and even then we may encounter failure.

All of these are difficult issues on which people of very good faith can

reasonably disagree. However, I hope that all can agree this debate and the approach we took in this debate by considering three bills as a package, each bill to be voted upon separately, is a fair way, is a thoughtful way, to begin to address the future of stem cell research.

The bills are important steps in defining science policy and advancing the practice and science of medicine. To get this far, we had to set aside our differences. I am hopeful that at the end of the day we will have made important strides forward in promoting biomedical advancement in a responsible and in an ethical manner. I expect the outcome of these votes will demonstrate there is some consensus among Members, even on this very divisive issue.

I yield 3 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for yielding me the time.

As we prepare for the vote, it is my view that it is a clear-cut question to use embryos to save lives because otherwise they will be destroyed. There are some 400,000 frozen embryos, and the choice is discarding them or using them to save lives.

Embryonic stem cells have the flexibility for the potential to cure Parkinson's, Alzheimer's, heart disease and cancer.

I have a constituent, Jim Cordy, in Pittsburgh, PA, who suffers from Parkinson's. Every time I see Jim Cordy, he displays an hour glass. He inverts it, and as the sand passes from one part of the hour glass to the lower, Jim Cordy makes the dramatic point that is the way his life is slipping away in the absence of utilizing all means possible to cure Parkinson's. The number one possibility is embryonic stem cell research.

Senator BROWNBACK and I had a debate where he challenged me on when life began, and I retorted—suffering from Hodgkin's cancer myself—the question on my mind was when life ended. Life will never begin for these embryos because there are 400,000 frozen embryos in the US. Notwithstanding millions of dollars appropriated to encourage adoption, only 128 have been adopted. So those lives will not begin, but many other lives will end if we do not use all the scientific resources available.

In bygone years, Galileo was prosecuted when he insisted the world was round. Columbus was discouraged from seeking America because the world was flat and it was impossible to find a new continent. Boniface VIII stopped the use of cadavers, indispensable for medical research. And the Scottish Turks prohibited anesthesia for women in childbirth because it was God's will that women should suffer.

A century from now people will look back in amazement that we could even have this debate where the issues are so clear-cut. I urge my colleagues to support S. 2754, which I cosponsored with Senator SANTORUM, which is long run——

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

Mr. SPECTER. I ask unanimous consent for 30 seconds more.

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

Mr. SPECTER. Which promotes stem cell research without destroying the embryo. But the real core issue is the third vote on H.R. 810 which will allow Federal funding, which is now in the range, at NIH, of $30 billion a year, which can save so many lives.

I thank the majority leader and thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in just a few moments we will be voting on three bills. The first bill we will be voting on is the Fetus Farming Prohibition Act. The second bill we will be voting on is the alternative means, the alternative ways of deriving stem cells. And the third is the House bill in support of research which is derived from blastocysts.

Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all three bills en bloc.

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

Mr. FRIST. Mr. President, I now ask for the yeas and nays on the three bills.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the second and third votes be limited to 10 minutes each.

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

Mr. FRIST. Mr. President, I yield back all time.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the Senate will proceed to three consecutive votes.

The question is on the engrossment and third reading of the bills.

The bills were ordered to be engrossed for a third reading and were read the third time.

The PRESIDING OFFICER. The bill, S. 3504, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—100

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Allen	Boxer	Carper
Baucus	Brownback	Chafee
Bayh	Bunning	Chambliss
Bennett	Burns	Clinton
Coburn	Hutchison	Obama
Cochran	Inhofe	Pryor
Coleman	Inouye	Reed
Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kennedy	Salazar
Crapo	Kerry	Santorum
Dayton	Kohl	Sarbanes
DeMint	Kyl	Schumer
DeWine	Landrieu	Sessions
Dodd	Lautenberg	Shelby
Dole	Leahy	Smith
Domenici	Levin	Snowe
Dorgan	Lieberman	Specter
Durbin	Lincoln	Stabenow
Ensign	Lott	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Frist	McConnell	Thune
Graham	Menendez	Vitter
Grassley	Mikulski	Voinovich
Gregg	Murkowski	Warner
Hagel	Murray	Wyden
Harkin	Nelson (FL)	
Hatch	Nelson (NE)	

The bill (S. 3504) was passed, as follows:

S. 3504

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 ''Fetus Farming Prohibition Act of 2006''.

SEC. 2. PROHIBITION OF THE SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.

Section 498B of the Public Health Service Act (42 U.S.C. 289g–2) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

''(c) SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.—It shall be unlawful for any person or entity involved or engaged in interstate commerce to—

''(1) solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue; or

''(2) knowingly acquire, receive, or accept tissue or cells obtained from a human embryo or fetus that was gestated in the uterus of a nonhuman animal.'';

(3) in paragraph (1) of subsection (d), as so redesignated, by striking ''(a) or (b)'' and inserting ''(a), (b), or (c)''; and

(4) in paragraph (1) of subsection (e), as so redesignated, by striking ''section 498A(f)'' and inserting ''section 498A(g)''.

Mr. LEAHY. 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.

The PRESIDING OFFICER. The bill, S. 2754, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—100

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Allen	Boxer	Carper
Baucus	Brownback	Chafee
Bayh	Bunning	Chambliss
Bennett	Burns	Clinton

Coburn	Hutchison	Obama
Cochran	Inhofe	Pryor
Coleman	Inouye	Reed
Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kennedy	Salazar
Crapo	Kerry	Santorum
Dayton	Kohl	Sarbanes
DeMint	Kyl	Schumer
DeWine	Landrieu	Sessions
Dodd	Lautenberg	Shelby
Dole	Leahy	Smith
Domenici	Levin	Snowe
Dorgan	Lieberman	Specter
Durbin	Lincoln	Stabenow
Ensign	Lott	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Frist	McConnell	Thune
Graham	Menendez	Vitter
Grassley	Mikulski	Voinovich
Gregg	Murkowski	Warner
Hagel	Murray	Wyden
Harkin	Nelson (FL)	
Hatch	Nelson (NE)	

The bill (S. 2754) was passed, as follows:

S. 2754

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 ''Alternative Pluripotent Stem Cell Therapies Enhancement Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 498C the following:

''SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—

''(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

''(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2009, to carry out this section.''.

The PRESIDING OFFICER. The bill (H.R. 810) having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—63

Akaka	Feingold	McCain
Alexander	Feinstein	Menendez
Baucus	Frist	Mikulski
Bayh	Gregg	Murkowski
Bennett	Harkin	Murray
Biden	Hatch	Nelson (FL)
Bingaman	Hutchison	Obama
Boxer	Inouye	Pryor
Burr	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Cochran	Lautenberg	Smith
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Stevens
Dorgan	Lott	Warner
Durbin	Lugar	Wyden

NAYS—37

Allard	DeWine	Nelson (NE)
Allen	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burns	Graham	Sununu
Chambliss	Grassley	Talent
Coburn	Hagel	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich
Crapo	Martinez	
DeMint	McConnell	

The bill (H.R. 810) was passed.

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

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, plans tonight are that we will get consent on moving to the Water Resources Development Act. Senator INHOFE is available to start that bill.

I congratulate and thank all of our colleagues for the very good debate that we have had over the last 2 days on a very tough issue, a difficult issue. Members have had the opportunity to express themselves with good debate on science and on the ethics. I thank them for that collegial approach.

CONDEMNING HEZBOLLAH AND ITS STATE SPONSORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 534 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 534) condemning Hezbollah and its state sponsors.

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

Mr. BYRD. Mr. President, I have grave concerns about what the coming days hold for the situation in the Middle East. The spiral of violence, which began with the kidnaping of Israeli soldiers, is threatening to engulf the entire region. Unless something is done soon to stop the escalation, all out war—the likes of which has not been seen in the Arab-Israeli conflict for decades—could soon be upon us.

Innocent lives are at risk. The rocket attacks on Israel are indiscriminate tools of terror. We know that Israeli bombs have also taken innocent lives, including those of children. How does this fighting serve any greater purpose? Can there be no other way to solve the important problems facing the region without shedding innocent blood in the process?

Let us not forget that it is not only the lives of Israelis, Lebanese, and Palestinians that are threatened by the fighting. Press reports indicate that 25,000 Americans are in Lebanon, and some believe that number is far too low an estimate. I have learned that a number of West Virginians are in Lebanon now. Two of the families of West Virginians have children with them—children as young as 4 years old. One of these families has already fled Beirut into the countryside while they await word on when they can be transported to safety.

I am hopeful that there are yet moderate voices in the international community which seek solutions to this crisis. There are calls for an international peacekeeping force to stabilize the Israeli-Lebanese border. There are also indications of behind-the-scenes diplomacy to unite all countries of the region in favor of a reasonable solution.

The resolution before the Senate is not a voice of moderation. It is a resolution that proposes only to point fingers at who is to blame for the current violence. This is the wrong response to an international crisis and a humanitarian tragedy.

Does this resolution help the Americans who are stranded in Lebanon amidst this fighting? It does not. I fear that this resolution might, in fact, unleash a violent anti-American backlash at a time when the State Department and our Armed Forces are struggling to find a way to rescue our citizens. The Senate should have more sense than to rush to pass such a provocative resolution at this time.

Mr. President, now is the time for moderation and wise counsel. We need solutions, not recriminations. Why should the Senate pass a resolution, the only possible effect of which is to further entrench both sides of the current conflict? I cannot support a resolution that does not I have the practical effect of advancing us toward an end to this tragic violence.

Mr. WARNER. Mr. President, yesterday the Senate was advised by hotline that this resolution would be voted on last night by voice vote. I indicated a desire to be allowed to speak for no more than 15 minutes before the vote, and that was agreed to. I said explicitly when further inquiry came to me that I would not in any way—in any way—object to the Senate, if the leadership so desired, to voting on that measure last night by voice vote. I went back, checked with the senior staff of our cloakroom, and they verified it. There are e-mails to the effect that I said that.

I did have an opportunity to speak last night at length—it is in yesterday's CONGRESSIONAL RECORD—regarding my concerns about that legislation, although I indicated in large measure I supported almost every provision, and we just participated in a voice vote where, in effect, my vote was counted in the ''yea'' column.

Mr. President, I call to the attention of my colleagues my statement of yesterday beginning at page S7624.

Mr. President, I awakened this morning to determine that the press is reporting the following:

> The Senate had been expected to quickly pass a resolution Monday night, but Armed Services Committee Chairman John W. Warner of Virginia blocked the vote.

That message was skillfully distributed throughout the world—the worldwide press. It made CNN and other responsible news organizations. That was the deliberate attempt by some individual or individuals to distort the truth, to distort what is in the RECORD.

Mr. President, I am pleased to say that the remarks I made last night were, in part, taken into consideration, and the resolution which the Senate will soon vote on does reflect what my principal concern was with regard to the first draft; namely, that there was no reference to some—upwards of 25,000 Americans seeking to return or leave that war-torn area. Consequently, there is a provision, No. 11, placed in this resolution which says:

> Recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States Government.

I am glad I did what I did—made it clear that this has worked its way into the RECORD. There are other concerns that I have which are cited in the statement that I made yesterday and I am delighted to have the opportunity to correct what was a deliberate attempt to distort the record.

I thank my colleagues, and I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of the resolution which I cosponsored and which the Senate passed today condemning the actions of Hezbollah and expressing our support for Israel.

On July 12, Hezbollah forces launched an attack through Syria, crossing into Israel, killing eight Israelis and seizing two Israeli soldiers as hostages. This assault followed months of rocket attacks by Hezbollah on northern Israel. Those acts of terrorism created the situation that the world confronts today. Israel could not tolerate such assaults on its own soil. No nation could.

Our country will stand with the Government and people of Israel as they defend themselves. The U.S.-Israel relationship is one of the most important and steadfast diplomatic bonds in the world. It is imperative that Congress express this support clearly and unequivocally. The resolution passed today makes this important statement, to our friends in Israel and to the world.

When Hezbollah escalated its attacks against Israel earlier this month, they dragged Lebanon into a conflict that neither the Lebanese Government nor most of the Lebanese people sought. Israel was compelled to respond to the violence on their soil. That was a situation that simply could not continue. Nor can Israel afford to return to the state of affairs before the war. There must be a real change in Lebanon: the days in which Hezbollah could simply lob rockets across the Israeli border with impunity must end.

I believe the United States must play a principal role in helping to forge a solution to this conflict and its underlying causes: the persistent attacks on Israel and the capture of Israeli soldiers.

The conflict in Lebanon has broader international origins and threatens the stability of the region as a whole. Iran and Syria are involved. They have long bankrolled Hezbollah and may have been involved in the plans to seize the Israeli soldiers. One of their goals may have been to distract the world from Iran's efforts at nuclear enrichment. If so, we cannot let them succeed. We must not let the world ignore Iran's efforts to move closer to the development of nuclear weapons.

We are handicapped in the Middle East by U.S. failures to remain consistently engaged in the quest for peace over the last 6 years. U.S. engagement lends stability to the region; disengagement has the opposite effect. The war in Iraq also constrains our options in the Middle East.

We need to take back control on other fronts—and the only way we can do that is to send a signal to the Iraqis that they need to take charge and take responsibility for their own affairs. We need to be able to dedicate our resources to other emerging threats and challenges, and we need to once again act as a pivotal peacemaker in the Middle East. I wish the resolution that we passed had discussed the need for sustained engagement at greater length and had placed increased emphasis on the need for regional diplomacy.

Saudi Arabia, Egypt, Jordan, and others in the Arab world have condemned Hezbollah's attacks on Israel. The Saudi foreign minister said, ''These acts will put the whole region back to years ago, and we cannot simply accept them.'' These unprecedented criticisms of Hezbollah by Arab leaders offer at least the prospect that maybe the situation offers a chance to move forward, rather than backward.

Secretary Rice has said that when the moment is right she will go to the Middle East. I understand that she wants to lend her strength to the cause when and where it will do the most good, but I hope that moment will be soon. This conflict continues to increase in intensity and it could grow in scale as well. It is claiming far too many casualties on both sides. Israeli citizens have been killed by Hezbollah rockets that are now reaching deep into Israel. Casualties are especially high, as well, among Lebanese civilians. Over 200 Lebanese civilians have been killed, caught in the crossfire of this conflict. Humanitarian concerns are growing as more Lebanese are displaced and as food and water in many shelters may be running low.

There are also some 25,000 Americans in Lebanon. They have been trapped there. The Beirut airport has been bombed and so have many roadways. Some Americans have escaped by taking backroads to Syria. That is a telling measure of how desperate the situation is for them. According to media sources, at least 8000 Americans want to leave. Their loved ones in this country are frantic with worry. I have constituents who are still trapped there. I am sure virtually every other senator does as well. People are frustrated by the pace of the evacuation, and I can understand that. Several hundred Americans have been evacuated, including children who were in Lebanon alone or individuals in need of medical care. But thousands of Americans remain trapped there.

U.S. Ambassador Jeffrey D. Feltman said that by the end of the week, the

evacuation will proceed at a pace of 1,000 Americans a day. Since a Swedish ship departed today with over 1,000 Scandinavians and other Europeans and with some 200 Americans on board, it is difficult to understand why we cannot marshal the resources to evacuate our citizens more quickly.

I have also received many calls from constituents who were appalled to learn that one of the first things that Americans trapped in Lebanon hear from the State Department is that they will be charged for the cost of their evacuation to Cyprus. The United States must make clear to all the parties involved that we will move quickly to evacuate our citizens. Those Americans should not bear the costs of this regional crisis.

Secretary Rice has emphasized the need to safeguard civilian lives and to ''create sustainable conditions for political progress.''

The Israeli soldiers who are being held hostage by Hezbollah, and the soldier captured by Hamas, must be released immediately and unconditionally. The rocket attacks on Israel, which began long before this new phase of the conflict, must end. All the parties involved must commit to abide by United Nations Security Council Resolution 1559, which was adopted in 2004. This resolution requires that all militias, including Hezbollah, be disarmed and disbanded.

All of these principles are embodied in the legislation passed by the Senate today, along with an absolutely clear statement that we stand with Israel. To make these principles a reality and to protect the lives of the innocent civilians caught in the crossfire in both Israel and Lebanon will clearly require sustained U.S. engagement in a regional solution.

Mr. FRIST. Mr. President, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 534) was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004) calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to S. 728, the Water Resources Development Act, under the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. 728

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AKUTAN HARBOR, ALASKA.—The project for navigation, Akutan, Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,800,000 and an estimated non-Federal cost of $2,400,000.

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

(3) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $67,457,000, with an estimated Federal cost of $43,421,000 and an estimated non-Federal cost of $24,036,000.

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

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

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of $11,862,000, with an estimated Federal cost of $7,592,000 and an estimated non-Federal cost of $4,270,000, and at an estimated total cost of $38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $19,002,000 and an estimated non-Federal cost of $19,002,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $130,335,000, with an estimated Federal cost of $78,973,000 and an estimated non-Federal cost of [$48,839,000] *$51,362,000*.

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

[(10) NAPA RIVER SALT MARSH, CALIFORNIA.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $58,412,000, with an estimated Federal cost of $37,740,000 and an estimated non-Federal cost of $20,672,000.]

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $100,500,000, with an estimated Federal cost of $64,000,000 and an estimated non-Federal cost of $36,500,000, to be carried out by the Secretary substantially in accordance

with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

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

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, South Florida, at a total cost of $1,210,608,000, with an estimated first Federal cost of $605,304,000, and an estimated first non-Federal cost of $605,304,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers, dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000, and an estimated non-Federal cost of $56,281,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000, and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000, and an estimated non-Federal cost of $21,994,000.

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

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

(15) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,000,000. The costs of construction of the project are to be paid [half] ½ from amounts appropriated from the general fund of the Treasury and [half] ½from amounts appropriated from the Inland Waterways Trust Fund.

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

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

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(17) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

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

(19) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $64,872,000, with an estimated Federal cost of $42,168,000 and an estimated non-Federal cost of $22,704,000, and at an estimated total cost of $107,990,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $53,995,000 and an estimated non-Federal cost of $53,995,000.

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

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

(22) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $172,940,000, with an estimated Federal cost of $80,086,000 and an estimated non-Federal cost of $92,854,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subsection (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

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

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

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

(26) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $35,573,000.

(27) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $109,850,000, with a Federal cost of $66,425,000, and a non-Federal cost of $43,425,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers, dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2005:

(1) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida, at a total cost of $121,126,000, with an estimated Federal cost of $64,843,000 and an estimated non-Federal cost of $56,283,000.

(2) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida, at a total cost of $349,422,000 with an estimated Federal cost of $174,711,000 and an estimated non-Federal cost of $174,711,000, subject to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(3) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa, at a total cost of $10,000,000, with an estimated Federal cost of $6,500,000, and an estimated non-Federal cost of $3,500,000.

(4) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $194,000,000, with an estimated Federal cost of $123,000,000 and an estimated non-Federal cost of $71,000,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $180,000,000, with an estimated Federal cost of $117,000,000 and an estimated non-Federal cost of $63,000,000.

(6) 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, at a total cost of $105,544,000, with an estimated Federal cost of $68,603,600, and an estimated non-Federal cost of $36,940,400, and at an estimated total cost of $2,315,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $1,157,500, and an estimated non-Federal cost of $1,157,500.

(7) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, Suffolk County, New York, at a total cost of $12,000,000, with an estimated Federal cost of $7,800,000 and an estimated non-Federal cost of $4,200,000.

(8) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $20,000,000, with an estimated Federal cost of $13,000,000 and an estimated non-Federal cost of $7,000,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PLAN.—The term ''Plan'' means the preferred integrated plan contained in the document entitled ''Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR–IWW System Navigation Feasibility Study'' and dated September 24, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $235,000,000 for fiscal years beginning October 1, 2004. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $1,795,000,000 for fiscal years beginning October 1, 2004. The costs of construction on the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to carry out this subsection for fiscal years beginning October 1, 2005, $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CO-CHAIRPERSONS.—The Secretary and the Secretary of the Interior shall serve as co-chairpersons of the advisory panel.

(iv) 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.).

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana or the State of Mississippi; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(d) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem; and

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan.

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a); and

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a).

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (d).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(f) MISSISSIPPI RIVER GULF OUTLET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for modifying the Mississippi River Gulf Outlet that addresses—

(A) wetland losses attributable to the Mississippi River Gulf Outlet;

(B) channel bank erosion;

(C) hurricane storm surges;

(D) saltwater intrusion;

(E) navigation interests; and

(F) environmental restoration.

(2) REPORT.—[The] *If necessary, the* Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet, including measures to prevent the intrusion of saltwater into the Outlet.

(g) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this [subsection] *section*.

(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 [and Mississippi]) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(h) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

[(i) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify the cause of any degradation of the Louisiana Coastal Area ecosystem that occurs as a result of an activity under this section.

(j) REPORT.—Not later than July 1, 2006, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report describing the features included in table 3 of the report described in subsection (a).]

(i) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCE.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program authorized under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(j) REPORT.—Not later than July 1, 2006, the Secretary shall submit to Congress a feasibility report on the features included in table 3 of the report described in subsection (a).

(k) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) AUTHORIZATION.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

[(2)] *(3)* PUBLIC NOTICE AND COMMENT.—Before [modifying an operation or feature of a project under paragraph (1)(B),] *completing the report required under paragraph (4),* the Secretary shall provide an opportunity for public notice and comment.

[(3)] *(4)* REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under [paragraph (2)(B)] *subparagraph (A)* shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

[(4)] *(5)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

SEC. 1004. 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) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

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

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

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

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(5) OUTER CHANNEL AND INNER HARBOR, MENOMINEE, WISCONSIN.—Project for navigation, Menominee Harbor, Michigan and Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

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

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

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

[(1) by striking ''**SEC. 221** (a) After'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After''; and

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(2) FUTURE APPROPRIATIONS.—In any''; and

(B) by adding at the end the following:]

*(1) by striking ''**SEC. 221**'' and inserting the following:*

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.''

; and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''[(3)] *(4)* CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2006''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from *the non-Federal interest, including* the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from [the private sector] *a non-Federal interest* attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. RECREATIONAL AREAS AND PROJECT SITES.

(a) CONSTRUCTION AND OPERATION OF PUBLIC PARKS AND RECREATIONAL FACILITIES IN WATER RESOURCE DEVELOPMENT PROJECTS; LEASE OF LANDS; PREFERENCE FOR USE; PENALTY; APPLICATION OF SECTION 3401 OF TITLE 18, UNITED STATES CODE; CITATIONS AND ARRESTS WITH AND WITHOUT PROCESS; LIMITATIONS; DISPOSITION OF RECEIPTS.—Section 4 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (16 U.S.C. 460d) is amended—

(1) in the second sentence—

(A) by striking ''*Provided*, That leases'' and all that follows through ''premises'' and inserting the following: ''*Provided*, That any new lease granted under this section to a nonprofit organization for park and recreational purposes, and any new lease or license granted to a Federal, State, or local governmental agency for any public purpose, shall include a provision requiring that consideration for the grant of the lease or license shall be at least sufficient to pay the costs of administering the grant, as determined by the Secretary of the Army''; and

(B) by striking ''*Provided further*, That preference'' and all that follows through ''*And provided*'' and inserting ''*Provided*''; and

(2) by striking the last sentence and inserting the following: ''Any funds received by the United States for a lease or privilege granted under this section shall be deposited and made available in accordance with section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3).''.

(b) RECREATIONAL USER FEES.—Section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary of the Army shall carry out a recreation user fee program to recover from users of recreation areas and project sites under the jurisdiction of the Corps of Engineers the portion of costs associated with operating and maintaining those recreation areas and project sites.'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''ADMISSION AND USER'' before ''FEES'';

(B) by striking paragraphs (3) and (4);

(C) by redesignating paragraph (2) as paragraph (3);

(D) in paragraph (1), by striking ''but excluding'' and all that follows and inserting the following: '', including fees—

''(A) for admission to the recreation area or project site of an individual or group; and

''(B) for the use by an individual or group of an outdoor recreation area, a facility, a visitors' center, a piece of equipment, or a service at the recreation area or project site.'';

(E) by inserting after paragraph (1) the following:

''(2) AMOUNT.—The Secretary of the Army shall determine the amount of a fee established and collected under paragraph (1) based on the fair market value, taking into consideration any comparable recreation fee for admission to, or use of, the recreation area or project site.'';

(F) in paragraph (3) (as redesignated by subparagraph (C))—

(i) by striking ''picnic tables'';

(ii) by striking ''surface water areas''; and

(iii) by striking ''or general visitor information'' and inserting ''general visitor information, or a project site or facility that includes only a boat launch ramp and a courtesy dock''; and

(G) by inserting after paragraph (3) (as redesignated by subparagraph (C)) the following:

''(4) CONTRACTS AND SERVICES.—The Secretary of the Army may—

''(A) enter into a contract (including a contract that provides for a reasonable commission, as determined by the Secretary) with any public or private entity to provide a visitor service for a recreation area or project site under this section, including the taking of reservations and the provision of information regarding the recreation area or project site; and

''(B) accept the services of a volunteer to collect a fee established and collected under paragraph (1).

''(5) DEPOSIT INTO TREASURY ACCOUNT.—

''(A) IN GENERAL.—Any fee collected under this subsection shall—

''(i) be deposited into the Treasury account for the Corps of Engineers established by section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)); and

''(ii) be made available until expended to the Secretary of the Army, without further appropriation, for use for the purposes described in section 4(i)(3) of that Act (16 U.S.C. 460*l*–6a(i)(3)).

''(B) LIMITATION.—Not more than 80 percent of a fee established and collected at a recreational area or project site under this subsection shall be made available to pay the costs of a water resources development project under the jurisdiction of the Corps of Engineers located at the recreational area or project site.''; and

(3) by adding at the end the following:

''(c) OTHER FEES.—Any fee established and collected at a recreational area or project site under subsection (b) shall be considered to be established and collected in lieu of a similar fee established and collected at the recreational area or project site under any other provision of law.''.

(c) ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS.—Section 4(i)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(3)) is amended—

(1) in the first sentence, by striking ''For'' and inserting the following:

''(A) IN GENERAL.—For'';

(2) by striking the second sentence and inserting the following:

''(B) USE OF FUNDS.—To the maximum extent practicable, funds under this subsection shall be used for a purpose described in subparagraph (A) that is directly related to the activity through which the funds were generated, including water-based recreational activities and camping.''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF ARMY SITES.—Any funds under this subsection may be used at a project site of the Department of the Army to pay the costs of—

''(i) a repair or maintenance project (including a project relating to public health and safety);

''(ii) an interpretation project;

''(iii) signage;

''(iv) habitat or facility enhancement;

''(v) resource preservation;

''(vi) annual operation (including collection of fees and costs of administering grants under section 4 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (16 U.S.C. 460d);

''(vii) law enforcement relating to public use; and

''(viii) planning.''.

(d) CONFORMING AMENDMENT.—Section 225 of the Water Resources Development Act of 1999 (16 U.S.C. 460*l*–6a note; Public Law 106–53) is repealed.

SEC. 2005. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee of Environment and Public Works of the Senate and the Transportation and Infrastructure Committee of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2006. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

(b) FEASIBILITY REPORTS.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended—

(1) in subsection (a), by inserting before ''This subsection shall not apply'' the following: ''The Secretary shall establish a plan and schedule to periodically update and revise the planning guidelines, regulations, and circulars of the Corps of Engineers to improve the analysis of water resource projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs, as the Secretary determines appropriate.''; and

(2) by striking subsection (c) and inserting the following:

''(c) COST-BENEFIT ANALYSIS.—Recommendation of a feasibility study shall be based on an analysis of the benefits and costs, both quantified and unquantified, that—

''(1) identifies areas of risk and uncertainty in the analysis;

''(2) clearly describes the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the physical project construction schedule as the schedule affects the estimated benefits and costs;

''(3) identifies national, regional, and local economic costs and benefits;

''(4) identifies environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems;

''(5) identifies social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage; and

''(6) identifies cultural and historical costs and benefits.''.

(c) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study;

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280); and

(4) shall—

(A) identify and review all critical methods, models, and procedures used in the planning process of the Corps of Engineers to formulate and evaluate water resource projects;

(B) identify other existing or new methods, models, or procedures that may enhance the water resource planning process;

(C) establish a systematic process for evaluating and validating the effectiveness and efficiency of all methods, models, and procedures;

(D) develop and maintain a set of approved methods, models, and procedures to be applied to the water resource planning process across the Corps of Engineers;

(E) develop and maintain effective systems for technology transfer and support to provide state-of-the-art skills and knowledge to the workforce; and

(F) identify the discrete elements of studies and establish benchmarks for the resources required to implement elements to improve the timeliness and effectiveness of the water resource planning process.

(d) PROJECT PLANNING.—

(1) OBJECTIVES.—

(A) FLOOD AND HURRICANE AND STORM DAMAGE REDUCTION AND NAVIGATION PROJECTS.—The Federal objective of any study of the feasibility of a water resource project carried out by the Secretary for flood damage reduction, hurricane and storm damage reduction, or navigation shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the environment of the United States.

(B) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resource project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development of the United States.

(C) PROJECTS WITH MULTIPLE PURPOSES.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated based on the relevant Federal objective identified under subparagraphs (A) and (B).

(D) SELECTION OF PROJECT ALTERNATIVES.—

(i) IN GENERAL.—Notwithstanding the Federal objectives identified in this paragraph, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason for selection of the alternative that is based on other Federal, State, local, or international concerns.

(ii) FLOOD AND HURRICANE AND STORM DAMAGE REDUCTION AND NAVIGATION PROJECTS.—With respect to a water resource project described in subparagraph (A), an overriding reason for selecting a project alternative other than the alternative that maximizes national economic development benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purposes but provides greater ecosystem restoration benefits or less adverse environmental impacts.

(iii) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resource project described in subparagraph (B), an overriding reason for selecting a project alternative other than the project alternative that maximizes national ecosystem restoration benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purpose but provides greater economic development benefits or less adverse economic impacts.

(2) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(A) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be economic, the Secretary may—

(i) identify ecosystem restoration benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(B) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be associated with ecosystem restoration, the Secretary may—

(i) identify economic benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(C) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—

(i) IN GENERAL.—Any additional measure, separable project, or element identified under subparagraph (A) or (B) and recommended for construction shall not be considered integral to the underlying project under study unless the Secretary determines, and the non-Federal interest agrees, that the measure, project, or element, is integral.

(ii) PARTNERSHIP AGREEMENT.—If authorized, the measure, project, or element shall be subject to a separate partnership agreement, unless the non-Federal interest agrees to share in the cost of the additional measure, project, or separable element.

(3) 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—

(A) a calculation of the residual risk of flooding following completion of the proposed project;

(B) a calculation of any upstream or downstream impacts of the proposed project; and

(C) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

(e) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(f) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) NO EFFECT ON AUTHORITY OF CHIEF.—The Chief of Engineers—

(i) shall not, in the completion of reports of the Chief of Engineers to Congress, be subject to direction as to the contents, findings, or recommendation of the reports; and

(ii) shall be solely responsible for—

(I) those reports; and

(II) any related recommendations, including evaluations and recommendations for changes in law or policy that may be appropriate to attain the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, upon completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) 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.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with the Information Quality Act (section 515 of Public Law 106–554), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

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

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 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) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

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

(5) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may 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 for technical and scientific sufficiency.

(7) 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 the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required

mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION 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)(i) a description of the physical action to be undertaken to achieve the mitigation objectives in the watershed in which the losses occur; and

''(ii) 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 quantity of types of land or interests in land that should be acquired for mitigation and the basis for a determination that the land are available for acquisition;

''(C) the type, quantity, and characteristics of the habitat being restored; and

''(D) 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 the 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, the entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''*(A) In general.*—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''*(B) Cost sharing*.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

[''(3) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.**]**

''*(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.*

''**[**(4)**]** *(3)* OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) *applicable* university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration

project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426) and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES.—

(1) IN GENERAL.—Revenues collected in connection with water storage for municipal or industrial water supply at a reservoir operated by the Corps of Engineers for navigation, flood control, or multiple purpose projects shall be credited to the revolving fund established under section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 701b–10).

(2) AVAILABILITY.—

(A) DISTRICT FROM WHICH REVENUE IS RECEIVED.—

(i) IN GENERAL.—Subject to clause (ii), 80 percent of the revenue received from each District of the Corps of Engineers shall be available for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, any facility of the Corps of Engineers projects within that District.

(ii) SOURCE OF PAYMENTS.—With respect to each activity described in clause (i), costs of planning, operation, maintenance, replacements, and upgrades of a facility of the Corps of Engineers for the project shall be paid from available revenues received from [the] *that* project.

(B) AGENCY-WIDE.—20 percent of the revenue received from each District of the Corps of Engineers shall be available agency-wide for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, all Corps of Engineers projects.

(3) SPECIAL CASES.—

(A) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(B) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(C) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Notwithstanding the last sentence of section 5 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665; 16 U.S.C. 825s), the 11th paragraph under the heading ''OFFICE OF THE SECRETARY'' in title I of the Act of October 12, 1949 (63 Stat. 767, chapter 680; 16 U.S.C. 825s–1), the matter under the heading ''CONTINUING FUND, SOUTHEASTERN POWER ADMINISTRATION'' in title I of the Act of August 31, 1951 (65 Stat. 249, chapter 375; 16 U.S.C. 825s–2), section 3302 of title 31, United States Code, or any other law, and without further appropriation or fiscal year limitation, for fiscal year 2005 as set forth in subsection (c) and each fiscal year thereafter, the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration may credit to the Secretary of the Army (referred to in this section as the ''Secretary''), receipts from the sale of power and related services, in an amount determined under subsection (c).

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary—

(A) shall, except as provided in paragraph (2), use an amount credited under subsection (a) to fund only the Corps of Engineers annual operation and maintenance activities

that are allocated exclusively to the power function and assigned to the respective power marketing administration and respective project system as applicable for repayment; and

(B) shall not use an amount credited under subsection (a) for any cost allocated to a non-power function of Corps of Engineer operations.

(2) EXCEPTION.—The Secretary may use an amount credited by the Southwestern Power Administration under subsection (a) for capital and nonrecurring costs and may use an amount credited by Southeastern Power Administration for capital and nonrecurring costs, if no credit exceeds the rates on file at the Federal Energy Regulatory Commission for the Southeastern Power Administration.

(c) AMOUNT.—The amount credited under subsection (a) shall be equal to an amount that—

(1) the Secretary requests; and

(2) the appropriate Administrator, in consultation with the Secretary and the power customers of the power marketing administration of the Administrator, determines to be appropriate to apply to the costs referred to in subsection (b).

(d) CONSULTATION.—

(1) TIME FRAME.—Not later than the date that is 20 days after the date of enactment of this Act, the appropriate Administrator shall submit to the Appropriations Committee a report describing the time frame during which the consultation process described in subsection (c) shall be completed.

(2) FAILURE TO AGREE.—If the Secretary and the appropriate Administrator and customer representatives cannot agree on the amount to be credited under subsection (c), the appropriate Administrator shall determine the amount to be credited.

(e) APPLICABLE LAW.—An amount credited under subsection (a) is exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.).

SEC. 2021. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423) is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

''SEC. 563. HOPPER DREDGE MCFARLAND.

''Not later than 1 year after the date of enactment of the Water Resources Development Act of 2005, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge Mcfarland.''.

SEC. 2022. OBSTRUCTION TO NAVIGATION.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended by adding at the end the following: ''Nothing in this section shall be construed as to provide for the regulation of activities or structures on private property, unless the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines that such activity would pose a threat to the safe transit of maritime traffic.''.

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$75,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''25,000,000'' and inserting ''$50,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2)), by—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION OR REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) *(as amended by section 2001)* is amended—

⟦(1) in subsection (a)—

⟦(A) by striking ''After the date of enactment'' and inserting the following:

''⟦(1) IN GENERAL.—After the date of enactment'';

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

⟦(C) by inserting ''partnership'' after ''written'';

⟦(D) by striking ''Secretary of the Army to furnish its required cooperation for'' and inserting ''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'';

⟦(E) by inserting after ''$25,000.'' the following:

⟦''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.''; and

⟦(F) by striking ''In any such agreement'' and inserting the following:

⟦''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any agreement described in paragraph (1)'';⟧

⟦(2)⟧ *(1)* by redesignating subsection (e) as subsection (g); and

⟦(3)⟧ *(2)* by inserting after subsection (d) the following:

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting the following: ''injunction and payment of liquidated damages, for''; and

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

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

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

SEC. 2040. PROGRAM NAMES.

⟦(a) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) is amended by striking ''**Sec.** 3. The Secretary'' and inserting the following:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

⟦''The Secretary''.

⟦(b) *Projects to Enhance Reduction of Flooding and Obtain Risk Minimization.*⟧—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''**Sec.** 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the element, at a Federal cost of $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3005. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3006. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3007. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements

in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941, is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' (55 Stat. 642, chapter 377) by inserting before the period at the end the following: ''*Provided,* That the Ouachita River Levees, Louisiana, authorized under the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569) shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3008. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. [3008] *3009.* CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. [3009] *3010.* HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V '' at an estimated total cost of $205,226,000, with an estimated Federal cost of $153,840,000 and an estimated non-Federal cost of $51,386,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. [3010] *3011.* LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. [3011] *3012.* LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. [3012] *3013.* LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $95,000,000, with an estimated remaining Federal cost of $55,000,000, and an estimated remaining non-Federal cost of $40,000,000.

SEC. [3013] *3014.* LOS ANGELES HARBOR, CALIFORNIA.

Section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is amended by striking ''$153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000'' and inserting ''$222,000,000, with an estimated Federal cost of $72,000,000 and an estimated non-Federal cost of $150,000,000''.

SEC. [3014] *3015.* MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), 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 applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. [3015] *3016.* PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

[(A)**]** *(B)* FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3016] *3017.* REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. [3017] *3018.* SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the costs of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, right-of-way, relocations, and environmental, mitigation for all project elements that the Secretary determines to be cost-effective.

(c) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

SEC. [3018] *3019.* CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. [3019] *3020.* SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, *except that the Secretary shall be a party to each contract for construction under this subsection.*

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. [3020] *3021.* 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 $212,100,000, with an estimated Federal cost of $113,300,000 and an estimated non-Federal cost of $98,800,000.

SEC. [3021] *3022.* YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal share of $70,000,000 and a non-Federal share of $37,700,000.

SEC. [3022] *3023.* CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. [3023] *3024.* ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. [3024] *3025.* NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. [3025] *3026.* ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility

by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. [3026] *3027.* CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. [3027] *3028.* ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. [3028] *3029.* CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. [3029] *3030.* JACKSONVILLE HARBOR, FLORIDA.

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 an additional 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.

SEC. [3030] *3031.* LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. [3031] *3032.* LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. [3032] *3033.* TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. [3033] *3034.* ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. [3034] *3035.* DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. [3035] *3036.* LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.) is modified to—

(1) direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. [3036] *3037.* PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. [3037] *3038.* CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3039. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. [3038] *3040*. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. [3039] *3041*. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. [3040] *3042*. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. [3041] *3043*. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. [3042] *3044*. HARRY S. TRUMAN RESERVOIR, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. [3043] *3045*. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

[SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

[The public access features of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), are modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land in the Lower Atchafalaya Basin Flood for the public access feature of the Atchafalaya Basin Floodway System, Louisiana, to enhance fish and wildlife resources, at a total cost of $4,000,000.**]**

SEC. 3046. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

SEC. [3045] *3047*. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3048. LAROSE TO GOLDEN MEADOW, LOUISIANA.

(a) IN GENERAL.—For the project for hurricane protection, Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), not later than 180 days after the date of enactment of this Act, the Secretary shall make the determination described in section 325 of the Water

Resources Development Act of 1999 (113 Stat. 304) regarding the technical feasibility, environmental acceptability, and economical justification of converting the Golden Meadow floodgate into a navigation lock.

(b) CONVERSION.—If the Secretary makes a favorable determination under subsection (a), or fails to make a favorable or unfavorable determination by the date specified in subsection (a), the conversion of the Golden Meadow floodgate to a navigation lock shall be considered to be authorized as a feature of the hurricane protection project referred to in subsection (a).

SEC. [3046] *3049*. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated [August] *December* 2004, at a total cost of $178,000,000.

SEC. [3047] *3050*. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,000,000;

[(1)] *(2)* to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

[(2)] *(3)* to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. [3048] *3051*. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. [3049] *3052*. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. [3050] *3053*. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. [3051] *3054*. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. [3052] *3055*. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. [3053] *3056*. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

(2) PARTNERSHIP.—The term ''Partnership'' means the partnership established by the Secretary under subsection (b)(1).

(b) PARTNERSHIP.—

(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

(B) develop and implement projects consistent with the management plan.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall—

(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

(C) plan, design, and implement projects consistent with the management plan; and

(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

(1) the management plan; and

(2) the strategic implementation plan developed under subsection (c)(1)(A).

(e) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

(A) shall be 25 percent of the total cost of the project or development; and

(B) may be provided through the provision of in-kind services.

(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

SEC. [3054] *3057*. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. [3055] *3058*. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right,

title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. [3056] *3059*. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, [2005] *2006*, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906) in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—Upon acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. [3057] *3060*. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3061. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. [3058] *3062*. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. [3059] *3063*. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3060] *3064*. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3061] *3065*. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. [3062] *3066*. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

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

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

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as so redesignated)—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. [3063] *3067*. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f), by striking ''$10,000,000'' and inserting ''$30,000,000'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. [3064] *3068*. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. [3065] *3069*. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. [3066] *3070*. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. [3067] *3071*. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–002 shall satisfy the obligations of the city under that contract.

SEC. 3072. OKLAHOMA LAKE DEMONSTRATION, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. [3068] *3073*. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. [3069] *3074*. LOOKOUT POINT, DEXTER LAKE PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value to the community of Lowell, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 0.98 acres located in Lane County, Oregon.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the United States Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

SEC. [3070] *3075*. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. [3071] *3076*. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public

ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. [3072] *3077.* UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 if the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. [3073] *3078.* COOPER RIVER BRIDGE DEMOLITION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary, at full Federal expense, may carry out all planning, design, and construction for—

(1) the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina; and

(2) using the remnants from that demolition and removal, the development of an aquatic reef off the shore of South Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $39,000,000.

SEC. [3074] *3079.* SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. [3075] *3080.* MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. [3076] *3081.* MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2015.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. [3077] *3082.* ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3078] *3083.* HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33

U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. [3079] *3084*. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. [3080] *3085*. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. [3081] *3086*. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3082] *3087*. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. [3083] *3088*. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. [3084] *3089*. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. [3085] *3090*. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. [3086] *3091*. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. [3087] *3092*. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. [3088] *3093*. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal

interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3089] *3094*. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or''; and

(2) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. [3090] *3095*. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$20,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. [3091] *3096*. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. [3092] *3097*. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

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

SEC. [3093] *3098*. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. [3094] *3099*. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. [3095] *3100.* SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. [3096] *3101.* MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.

Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking ''$229,581,000'' and inserting ''$358,000,000''.

SEC. [3097] *3102.* LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3103. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized under the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. [3098] *3104.* UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. [3099] *3105.* MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. [3100] *3106.* LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. [3101] *3107.* PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. [3102] *3108.* UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

SEC. 3109. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3110. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3111. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in [subsections (b) and (c)] *subsection (b)* in a timely manner.

[(b) NATIONAL ENVIRONMENTAL POLICY ACT ANALYSIS.—In carrying out the responsibility of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this section, the Secretary shall include consideration of—

[(1) the environmental impacts associated with transporting an equivalent quantity of goods on Federal, State, and county roads and such other alternative modes of transportation and alternative destinations as are estimated to be transported on the MKARN;

[(2) the impacts associated with air quality;

[(3) other human health and safety information (including premature deaths averted); and

[(4) the environmental and economic costs associated with the dredging of any site on the MKARN, to the extent that the site would be dredged if the MKARN were authorized to a 9-foot depth.]

[(c)] *(b)* SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

In carrying out the feasibility phase of the South San Francisco Bay shoreline study, the Secretary shall use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized under section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. BUBBLY CREEK, SOUTH FORK OF SOUTH BRANCH, CHICAGO RIVER, ILLINOIS.

The Secretary shall conduct a study of the feasibility of carrying out ecosystem restoration and any other related activity along the South Fork of the South Branch of the Chicago River, Illinois (commonly known as ''Bubbly Creek'').

SEC. 4012. GRAND AND TIGER PASSES AND BAPTISTE COLLETTE BAYOU, LOUISIANA.

The Secretary shall conduct a study of the feasibility of modifying the project in existence on the date of enactment of this Act for enlargement of the navigation channels in the Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.

SEC. [4011] *4013.* LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. [4012] *4014.* MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. [4013] *4015.* JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of [California] *Georgia* and the Governor of the State of South Carolina.

SEC. [4014] *4016.* LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring are—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in sections 104(d) and 104(e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under section 107, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2010''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at full Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, constructed as a demonstration project

under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) NEW BARRIER.—Notwithstanding the project cooperation agreement dated November 21, 2003, with the State of Illinois, the Secretary shall construct, at full Federal expense, the Chicago Sanitary and Ship Canal Dispersal Barrier currently being implemented under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(c) OPERATION AND MAINTENANCE.—The Chicago Sanitary and Ship Canal Dispersal Barriers described in subsections (a) and (b) shall be operated and maintained, at full Federal expense, as a system in a manner to optimize effectiveness.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit to each State the proportion of funds that the State contributed to the authorized dispersal barriers.

(2) USE.—A State may apply the credit to existing or future projects of the Corps of Engineers.

SEC. 5006. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, NEW MEXICO.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2004''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States of Colorado, New Mexico, and Texas.

(2) RIO GRANDE SYSTEM.—The term ''Rio Grande system'' means the headwaters of the Rio Chama River and the Rio Grande River (including all tributaries of the Rivers), from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas.

(3) STATE.—The term ''State'' means the State of New Mexico.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande system—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the State, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs authorized under subsection (c), the Secretary shall—

(1) consult with the State and other appropriate entities in the State the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(3) *(2)* OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande system.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2005 and each subsequent fiscal year.

SEC. 5007. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on

which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the results of the investment activities and financial status of the Funds during the preceding 12-month period.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5008. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay authorized by the River and Harbor Act of 1954 (68 Stat. 1249) is not authorized.

SEC. 6008. CENTRAL AND SOUTHERN FLORIDA, EVERGLADES NATIONAL PARK, FLORIDA.

The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257) and the Flood Control Act of 1968 (82 Stat. 740), is not authorized.

SEC. 6009. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6010. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized under section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6011. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6012. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6013. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6014. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6015. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6016. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6017. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6018. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6019. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act 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 (55 Stat. 644), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6020. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6021. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6022. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6023. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635) is not authorized.

SEC. 6024. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6025. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6026. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6027. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6028. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6029. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6035. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6036. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6037. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6038. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6039. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6041. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6042. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6043. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6044. CHARTIERS CREEK, CANNONSBURG (HOUSTON REACH UNIT 2B), PENNSYLVANIA.

The project for flood control, Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), is not authorized.

SEC. 6045. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6046. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek

Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6047. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6048. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6049. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6050. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6051. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6053. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6054. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6055. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6056. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6057. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6058. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. INHOFE. Mr. President, last Thursday Senator JEFFORDS and I took some time to thank the members of our committee and many on the outside for cooperation in bringing to the Senate the Water Resources Development Act. This is a very big bill. It is a very significant bill. It involved the cooperation of quite a number of people. I would say every member of our committee has been very cooperative. I talked a little bit about Senator FEINGOLD and the fact he had some objections. He was very good to work with, along with Senator MCCAIN and others.

We finally are at the point now where, after a lot of negotiation, the Senate is considering today S. 728, the Water Resources Development Act of 2006.

As the world's leading maritime and trading nation, the United States relies on an efficient maritime transportation system to maintain its role as a global power. The bill we debate today is the cornerstone of that system.

The Water Resources Development Act, or WRDA, sets out the Federal policy of procedure for the U.S. Army Corps of Engineers to maintain and build our inland and intracoastal waterway system, which carries one-sixth of the Nation's volume of intercity cargo.

In addition, the Corps is responsible for maintaining approximate channel depths in ports along our coasts and the Great Lakes to handle 95 percent of all foreign trade into and out of the country. In fact, more than 67 percent of all consumer goods pass through harbors maintained by the Corps of Engineers. WRDA also authorizes the Corps to work with communities on flood damage reduction and hurricane and storm damage reduction projects designed to protect human life and property.

Inland and intracoastal waterways, which serve States on the Atlantic seaboard, the gulf coast, and the Pacific Northwest, move about 630 million tons of cargo valued at over $70 billion annually. Furthermore, it is estimated that the average transportation cost savings to users of the system is $10.67 per ton, or $7 billion annually over other modes of transportation.

The nearly 12,000 miles of inland and intracoastal waterways include 192 commercially active lock and dam sites. I might add, a lot of people are surprised these are in my State of Oklahoma. Over 50 percent of the locks and dams operated by the Corps are more than 50 years old and consequently are approaching the end of their design life and are in need of modernization or major rehabilitation. This bill authorizes ongoing work to modernize and rehabilitate our inland and intracoastal waterway system.

In the 1800s, the Corps was first called upon to address flood problems along the Mississippi River. Since then, the Corps has continued to provide flood damage reduction along the Mississippi River and in other regions of the country. These efforts range from small local protection to projects such as levees, or nonstructural measures, to major dams. Today, most of the structures are owned by sponsoring cities, towns, and agricultural districts. Although the Corps cannot prevent all damage from floods, the efforts of the Corps do significantly reduce the cost of the flood events.

To illustrate this point, consider that during the 10 years from 1991 to 2000, the decade of the 1990s, the country suffered $45 billion in property damage from floods. If Corps flood damage reduction measures had not been in place, however, that figure would have been more than $208 billion in damage. Clearly, flood control is a wise investment. According to the American Society of Civil Engineers, the flood control structures on average prevent $22 billion in flood damage each year, a savings of $6 per every $1 spent.

Second, similarly, the Corps also participates in and this bill authorizes hurricane and storm damage reduction projects along our Nation's coast as well as projects to combat shoreline erosion. So we are talking now about three aspects: navigation, the hurricanes, and the erosion problem.

And then the third Corps mission is ecosystems restoration. Working with non-Federal sponsors, the Corps implements single-purpose ecosystems, restoration projects, multipurpose projects with ecosystems restoration components, or projects for flood protection or navigation that incorporate environmental features as good engineering. The Corps has restored, created, and protected over 500,000 acres of wetlands and other habitats between 1988 and 2004. In some cases, existing water resources projects are modified to achieve restoration benefits.

This bill includes authorization of several such projects, including quickly approaching the crisis that, if ignored, would dramatically stunt continued economic growth.

We have to understand right now, with what is happening in this country, the increase in economic activity is what has brought us out of this recession. The deficits people in this Senate like to talk about are being addressed by the fact that, for each additional 1 percent of economic activity, it increases revenues about $45 billion. This bill is going to be very helpful in increasing economic activity.

As one of the most fiscally conservative Members of this Senate, I have long argued that the two most important functions of the Federal Government are to provide for national defense and public infrastructure. A lot of my conservative colleagues are going to be talking about projects and maybe earmarks. That is not in this bill we are talking about. They might be surprised to know that I, with a rating of 100 percent by the American Conservative Union, this year and last year, am proposing this bill, which is a big spending bill, but we are not spending. We are authorizing. We have an orderly procedure to reach those projects which would enjoy the most support.

I say to my conservative friends, I am one who is not for wasteful spending. I have maintained the perfect record in terms of my conservative leanings. In fact, it is exactly what being a fiscal conservative is all about.

The primary purpose of government spending is to provide for the national defense and to provide for critical infrastructure. Think how chaotic the system would be if each individual would build and maintain their own infrastructure system. Society simply would not function. Every first-year political science student learns that the function of the body politic is to provide resources that are used by all. Efficiency and economics require the Government not only plan but construct and maintain public infrastructure. So I am not shy about voting for increased authorization on national defense needs or public infrastructure.

At the same time, we have to spend limited tax dollars wisely, with that in mind, on three major restoration projects in Louisiana, Florida, and the Upper Mississippi River Basin. Unfortunately, as other infrastructure bills, WRDA has been decried in the press perhaps as a pork bill. During the debate in the Senate we may hear from some who will agree with that. It is the popular thing to say. As one of the primary authors of the bill, allow me to explain why this charge, if raised, is not accurate.

First, contrary to public belief, this bill is not just project authorization. It contains also significant policy changes designed to ensure an efficient and effective process for addressing our Nation's water resources needs. Later in this debate, Senators will have an opportunity to consider several amendments on further policy reforms.

The bill does have project authorizations. It is an unfortunate fact of life when infrastructure bills are debated we first have to battle back the charge that all we are doing is funding unneeded projects.

Look at the facts. According to the American Society of Civil Engineers 2005 report cards on America's infrastructure, none of the Nation's primary infrastructure such as roads, airports, drinking water facilities, wastewater management systems, gets above a C, and most receive a D. That is without exception. None. And every project authorization is quickly approaching a crisis that, if ignored, will dramatically stunt continued economic growth. We are at the point now where we need to do something.

With that in mind, the committee established a very firm policy of what types of project requests we would consider. Every project authorization included in this bill is based on a report of the Chief of Engineers verifying that the project is technically feasible, economical, economically justified, and environmentally accepted.

I will talk a little bit about the types of engineering reports that are necessary. We did not include environmental infrastructure projects such as water treatment facilities or riverfront development projects because neither of these are a Corps of Engineers mission. Finally, we did not authorize cost-share waivers on existing or new projects. We have always felt the local community has to have an investment and has to have the support of the State, county, or city in order to come forth with the project.

At the present time, Senator BOND and I will be offering two amendments, one on prioritization of projects, and another establishing a procedure of independent peer review. Both of these issues are important reforms to the program. We agree that Congress needs better analysis so we can more easily compare individual projects, thereby ensuring the most needed projects are addressed in a timely manner. Independent peer review fulfills a critical function to ensure that policymakers are using accurate information to make decisions. Therefore, Senator BOND and I will be offering an amendment to clarify which projects should undergo independent peer review.

Finally, some have expressed a concern about the size of the bill. I understand and appreciate these concerns. However, I point out that it has been 6 years since the last WRDA bill was signed into law. Traditionally, WRDA is done every 2 years. Given the 6-year timelag, what the Senate is being asked to consider represents what would be three WRDAs if we had kept to the 2-year schedule. Given that, I believe the cost is reasonable.

The amount of this bill would be eventually about $7 billion in authorization. However, if we were to follow the pattern set in 2000, for a 2-year bill, it was 5.07, so it is considerably less than if we had been doing it every 2 years as we did in the year 2000.

For the benefit of those who may not be familiar with the Army Corps of Engineers program, let me explain. The program does include planning, design, construction, maintenance, and operation of water projects that give improved flood damage reduction, hurricane and storm damage reduction, shore protection, navigation, ecosystems restoration, hydroelectric power, recreation, and other various water resources needed. Virtually all water resources projects are cost shared with a local sponsor. The statutory cost share varies depending on the size of the project. Generally speaking, the local share is about 35 percent; the Federal share is about 65 percent.

Projects generally originate with a request for assistance from a community or local government entity with the water resource need that is beyond its capability to alleviate. A study authority allows the Corps to investigate a problem and determine if there is a Federal interest in proceeding further.

If the Corps has performed a study in the geographic area before this time—in other words, if it has already done it—a new study can be authorized by a resolution of either the Senate Committee on Environment and Public Works, the committee I chair, or the House Committee on Transportation and Infrastructure. If the Corps has not previously investigated the area, the study needs to be authorized by an act of Congress, typically through what we are considering today, a WRDA bill.

Army Corps studies are usually conducted in two stages: the first, called a reconnaissance study, or the recon study, is a general investigation, including an overview of the problem, identification of potential local sponsors—that could be State, tribal, county, or local agencies or governments or nonprofit organizations—and an initial determination of a Federal interest. A recon study is done at full Federal expense and usually costs $100,000 to $200,000 and usually can be completed in about a year.

The second stage is a feasibility study, which is the detailed analysis of alternatives, costs, benefits, and environmental and other impacts. A feasibility study is cost-shared 50–50 with a local sponsor, usually costing upwards of $1 million and takes up to several years to complete.

Congress must provide authorization for the Corps to begin the recon study, but the Corps can move from the recon to feasibility stage without further authorization. Based on the results of the study, the chief of engineers may—this is the significant part—may sign a final recommendation on the project, known as the Chief's Report. Accordingly, the committee has used a favorable Chief's Report as the basis for authorizing projects.

I am going through this process so people will understand this has been thoughtfully considered in each one of these, and the Corps has gone into them and actually come out with a final Chief's Report. I have to say, individuals who sometimes complain about the way the Corps is working might remember in the late 1990s when we had the Everglades Restoration Act. I happen to be the only Member who voted against it. It was 99 to 1, I say to the Presiding Officer. The reason I voted against it is because it did not have a Chief's Report. We have to stay with this system.

Before I yield the floor to my colleagues, I want to point out some other provisions in the managers' substitute amendment that were added to the committee-reported bill. The primary changes were made in response to the devastating hurricanes that hit the gulf coast last year.

We are proposing a new National Levee Safety Program designed after the National Dam Safety Program. The new Levee Safety Program requires that a national inventory be made of all levees and that those levees that protect human life and public safety be inspected. As with the Dam Safety Program, the provision establishes a State grant program to encourage States to establish their own safety program, as

these activities are best handled at the local level.

We also made some changes to language already in the bill to authorize a project for coastal wetlands restoration in Louisiana. These changes are intended to address the two main suggestions for process improvements that the Environment and Public Works Committee heard from a broad range of stakeholders following Hurricane Katrina.

First, we try to do a better job of addressing our water resources needs in a comprehensive, integrated manner, rather than in the traditional stovepipe manner of separate missions areas.

Secondly, the time it takes between identifying a water resources need to completing a solution is significantly longer than it should be. Our substitute amendment addresses the time from identification of need to solution.

So we are going to proceed with this bill. I have a request from a well-respected Senator, but I am going to ask if the Senator could withhold until we have the opening statements done.

Let me say, in closing, I have a special interest in this bill because—a lot of people do not realize it, and I am sure the Chair does because he is aware of these things—my State of Oklahoma is in that way navigable. We have a navigation way that comes all the way to the Port of Catoosa. That is in Tulsa, OK. It was put together by a State authorization in legislation that was passed by my father-in-law, the late Arthur Patrick, in the early 1930s. And you might have heard of the McClellan-Kerr Dam. That is the one that is there. So we have that history, and I have that bias that I bring to this floor with my opening remarks.

With that, let me thank the ranking minority member, Senator JEFFORDS, who has been so cooperative throughout the development of this legislation.

Mr. JEFFORDS. Mr. President, I say thank you to the Senator. It is a pleasure to work with you.

The PRESIDING OFFICER. The Senator will suspend briefly.

AMENDMENT NO. 4676

Under the previous order, the reported committee amendments are withdrawn. The managers' substitute at the desk, amendment No. 4676, is agreed to, and the bill, as so amended, is original text for further amendment.

The amendment (No. 4676) was agreed to.

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. President, I am very pleased to see the Water Resources Development Act of 2006 finally being considered on the Senate floor. This critical water resources bill is long overdue. The last one was completed 6 years ago.

Despite never receiving a water resources proposal from the administration, we are here today with a good, comprehensive bill, and I hope we can work together to finally get it enacted this year.

With this legislation, we maintain our commitment to the protection of our rivers, streams, and lakes. We also protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

We help our States and local communities manage their water resources through navigation and shoreline protection projects, as well as provide flood and storm damage protection.

This bill includes the authorization of key coastal restoration and hurricane protection projects to help the State of Louisiana recover from Hurricane Katrina.

There are also some very important project authorizations for my State of Vermont, including ecosystem restoration for the Upper Connecticut River and small dam removal and remediation throughout the State.

In addition, I am pleased this bill updates to the Army Corps of Engineers principles and guidelines to improve the efficiency of the Corps. I am disappointed, however, that some important Corps reform provisions were not included in this bill, such as stronger provisions for independent peer review.

Hurricane Katrina tragically reminded us of the importance of comprehensive reform of the Army Corps of Engineers. I am cosponsoring Senator FEINGOLD's amendment on this topic and encourage my colleagues to join us in support of this reform.

In the wake of Hurricane Katrina, the Corps has a tarnished record in many people's minds. The independent review language that will be offered by Senators FEINGOLD and MCCAIN, coupled with the other reforms we have included in the underlying bill, are critical first steps in our efforts to ensure that the Corps has adequate tools and appropriate oversight of its programs.

This water resources bill represents a step forward in our efforts to protect our water resources, enhance environmental restoration, and spur economic development.

Mr. President, I look forward to our debate on this bill. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the minority leader of our committee who has done such a good job.

Let me announce what I would like to do and see if there is any objection. I will not pose this as a UC, but I will mention we have some people who do have to leave. We had announced earlier we would go straight to the Boxer amendment. I am in support of the Boxer amendment, and that is not going to take a long time. However, she has graciously agreed to let the Senator from Michigan go in advance of her for 10 minutes.

The question I would like to ask the Senator from Michigan is, would it be permissible, and not counted against the time of the Senator from California, if Senator SANTORUM went for 3 minutes prior to you? This is at the conclusion of the remarks of the Senator from Missouri. Would that be all right? It would put you off only 3 minutes.

Ms. STABENOW. Yes. Through the Presiding Officer to the chairman, thank you very much for including me in this process. My question would only be, how much time does the Senator from Missouri require?

Mr. INHOFE. How much time?

Mr. BOND. Mr. President, I am, regretfully, limited by having to be at a markup in a subcommittee I chair, and I will limit my remarks to about 15 to 18 minutes.

Ms. STABENOW. Certainly, Mr. Chairman, I would have no objection.

Mr. INHOFE. After the conclusion of his remarks—-

Mrs. BOXER. Can you do a unanimous consent request?

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senator from Missouri be first recognized for 15 to 18 minutes, immediately followed by Senator SANTORUM for not to exceed 4 minutes, and then Senator STABENOW for not to exceed 10 minutes. And then we will proceed on to the Boxer amendment.

Mrs. BOXER. For 20 minutes.

Mr. INHOFE. For whatever time she wants to use.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I particularly thank our leader, Senator FRIST, and the minority leader, Senator REID, for bringing WRDA to the floor. This is a long and arduous process, and we are grateful they were able to bring together this tremendously important bill.

I pay special thanks to the chairman of the committee, Senator INHOFE, and his staff, and the ranking member, Senator JEFFORDS, and his staff. This has been a truly bipartisan process—a lot longer process than we intended because this was supposed to have been the 2002 WRDA bill. Nevertheless, we have the much needed Water Resources Development Act before us, authorizing projects under the jurisdiction of the U.S. Army Corps of Engineers.

These projects are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output, operates 463 lake recreation areas, moves 630 million tons of cargo valued at over $73 billion annually through our inland system, manages over 12 million acres of land and

water, provides 3 trillion gallons of water for use by local communities and businesses, and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment of less than one-seventh that value.

During the 1993 flood, which we experienced in Missouri with great devastation, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

WRDA, as I indicated, is a bipartisan bill, traditionally produced by Congress every 2 years, making possible America's major flood control projects, coastal protection, environmental protection and restoration, transportation, and recreation on our major waterways.

Despite its importance, we have not passed a bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become, making it harder and harder to win approval.

The public voice is loud, clear, and spoken often regarding how they feel about the need for our long-overdue and much needed WRDA legislation.

We believe the bill before the Senate is a good one that balances the needs of States for environmental restoration of key waterways and for navigation projects that create economic growth.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. And it is financially responsible.

To say it is widely supported is an understatement. It passed the EPW Committee by voice vote. Eighty of our colleagues signed a letter to leadership urging floor action—80 out of 100. It is tough for us to get 80 together on anything, but they said: We want this bill. The House cleared it with an overwhelming vote of 406 for it.

Environmental restoration, in the last 20 years, has become a primary Corps mission.

Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and habitats for many species. Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm, and many other benefits.

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

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

Among the projects in this bill are those that will restore wetlands in the Upper Connecticut River Basin in Vermont and New Hampshire; restore oyster habitat in the Chesapeake Bay; restore fisheries in the Great Lakes; implement an environmental management program for the Rio Grande River; continue restoration of the Everglades; restore areas of coastal Louisiana damaged by Hurricanes Katrina and Rita; restore habitat on the Upper Mississippi and Illinois waterways; restore oyster habitat on Long Island Sound.

Flood control is also important. If we have learned anything from Mother Nature in the last 15 years, it is that we frequently need protection from her storms. Hurricanes Katrina and Rita are just two of the latest devastating examples.

As I said, the good news is Corps projects had an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh that value. This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, and Missouri, to name a few.

While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic initiative included provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also become more competitive. Between 1970 and 2003, the value of U.S. trade increased 24-fold and 70 percent since 1994. That is an average annual growth of 10.2 percent—nearly double the pace of the GDP growth for the same period. We can expect demand for U.S. exports to continue increasing dramatically over many years.

We have to ask ourselves where the growth in transportation will occur in the next 20 to 50 years to accommodate the growth in demand for commercial shipping. The Department of Transportation suggests that congestion on our roads and rails will double in the next quarter century.

Now, those who drive on the highways know how crowded they are. How would you like to see all of the transportation that we now put on water go on the roads? Ask any farmer who has found difficulty getting rail availability to ship product, commodities, because there is heavy demand. Water transportation is a great untapped capacity.

One medium-sized barge tow carries the freight of 870 trucks. On the road are 2.25 100-car unit trains, 250-car unit trains, and 1 barge carries the equivalent of 15 jumbo hopper cars. Now, how does that translate into the use of energy? We ought to be concerned about energy conservation. Well, the good news is that water transportation conserves fuel and protects the air and environment. How? How far will one gallon of fuel move one ton of freight? If you are going by truck, one gallon of fuel can move a ton of freight 59 miles. If you are going by rail, it can move it 386 miles. But if you are going by water, it can move it 522 miles. That is almost 10-to-1 more efficient than trucks and 1.5 times as efficient as rail. The rail just isn't there. The rail system is overcrowded already.

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

In Missouri alone, we ship 34.7 million tons of commodities with a combined value of more than $4 billion. That is not just farm products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, and other commodities, and, yes, the corn, soybean, and wheat that we export overseas.

Our navigable waterways are in environmental and economic decline. Jobs and markets and the availability of habitat for fish and wildlife are at stake. The American Society for Civil Engineers grades navigable waterways infrastructure D– with over 50 percent of the locks ''functionally obsolete'' despite increased demand.

So we have developed a plan that gets the Corps back in the business of building the future, rather than just haggling about predicting the future.

This legislation contains authorization for funding to improve navigation on a number of our major waterways in several States, including Louisiana, Texas, Alaska, Virginia, Delaware, and Maine.

A key piece of the bill modernizes locks and dams on the Upper Mississippi and Illinois Rivers. We authorize capacity expansion on locks 20 to 25 on the Mississippi River and Peoria and LaGrange on the Illinois.

New 1,200-foot locks on the Mississippi River will provide equal capacity in the bottleneck region. Upstream from the Keokuk, there is a lock 19 which is 1,200 feet, and below them at St. Louis are locks 26 and 27. They are also 1,200 feet. These 600-foot locks serve as major water roadblocks to transportation of our products to the world markets and inputs to users upstream.

One-half of the cost of the new locks will be paid for by private users who pay into the Inland Waterways Trust Fund. Additional funds will be provided for mitigation and small scale and nonstructural measurements to improve efficiency.

If you are for increased trade, commercial growth, and job creation, you cannot get there without supporting the basic transportation infrastructure, as our chairman has so eloquently pointed out. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

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

We must ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways?

In both cases, the answer, to me, is simple. Of course we should improve and modernize. The choice is a very important one today as we have a global economy. Our farmers are the most efficient in the world, but transportation costs can knock them out of the world market. We know our competitors are modernizing their water transportation.

Here is a very troubling picture. This is one of our foremost exports right now. You know what they are exporting? Not renewable crops that come from our fields. These are 2 towboats and 30 barges headed for Argentina. Argentina and Brazil and other Latin American countries are taking imports from our water transportation system because they have the waterways to use them and we don't. Do you want to make a one-time sale of the barges or towboats, or do you want to have sales every year on the goods and commodities these can produce?

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. Congress, fortunately, decided that its role was not to try to predict the future but to shape it and decided to invest in a system despite the naysayers. Over 84 million tons per year later, it is clear that the decision was wise.

The veteran chief economist at USDA testified that transportation efficiency and the ability of farmers to win markets and higher prices are ''fundamentally related.'' He predicts that corn exports over the next 10 years will rise 45 percent, 70 percent of which will travel down the Mississippi River—if the river has the capacity to carry it.

The decision to improve these waterways has not been taken lightly. As has already been pointed out, all decisions and procedures have been documented and coordinated with an interagency Federal Principals Group, independent technical reviews and stakeholders, and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing a study that was anticipated to take 6 years and cost $12 million, but it actually took 14 years to complete. During that period, there have been 35 meetings of the Governors Liaison Committee, 28 meetings on the Economic Coordinating Committee, among the States along the Upper Mississippi and Illinois waterways, 44 meetings of the Navigation and Environmental Coordination Committee; and there have been 3,879 public involvement activities concerning the Upper Mississippi River alone.

Additionally, there have been 130 briefings for special interest groups and 24 newsletters. There have been 6 sets of public meetings in 46 locations, with over 4,000 people in attendance. To say the least, this has been a very long, very transparent, and very representative process.

While we have been studying, our competitors have been building. Given the extraordinary delay so far, and given the reality that large-scale construction takes decades, further delay is no longer an option.

That is why I am pleased to join the bipartisan group of Senators who agree that we must improve the efficiency and the environmental sustainability of our great resources.

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

Of particular note, I appreciate the strong support from the carpenters, laborers, operating engineers, Iron Workers, Teamsters, the Nature Conservancy, the Audubon Group, and the construction and energy and agriculture people.

Also, I mention specifically the good efforts of Senators TALENT, DURBIN, OBAMA, GRASSLEY, and HARKIN, who have given strong bipartisan support.

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

This is an authorization bill that doesn't spend a single dollar, not one. Like other authorization bills, it makes projects eligible for funding under constraints administered by Congress. The Appropriations Committee and the President will have final say. Those who don't make it won't be funded.

The WRDA process simply allows for projects to be considered during the process of appropriations. I hear some suggest we should not authorize anything new until everything previously authorized has been funded. That is nonsense because it falsely assumes that all projects authorized 5, 10, 15 years ago are higher priority than those we have now. That is not true.

In fact, we have eliminated the authorization for 56 projects totaling over $500 million in savings. The remaining projects will be subject to the appropriations process.

People have talked about Corps reform. I want to make sure we reform it and don't kill it. I agree that we need to be sure every project is authorized, is needed, and is economically justifiable.

The Corps continues to make agency-wide planning improvements that are responsive to stakeholders' needs and responsible to taxpayers.

The Corps includes independent review in all project studies and review by outside independent experts for larger, higher risk and complex projects. Peer review is integrated into project development.

The Corps is developing new tools to examine regional and watershed issues that will allow a broader view of complex water resource issues.

The bill contains provisions that will further improve the reliability of Corps analyses of projects.

Now, there are many—particularly community leaders around the country—who believe there is already too much redtape, delay, cost, and uncertainty. There are those who want less redtape. I strongly agree with them. Others want more redtape. But I think we strike a necessary balance in the bill.

We have embraced a commonsense, bipartisan proposal by Senators LANDRIEU and COCHRAN that requires major projects to be subject to independent review.

The PRESIDING OFFICER. The Senator has consumed 18 minutes.

Mr. BOND. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. BOND. Mr. President, the Landrieu-Cochran proposal requires that necessary mitigation for projects be completed at the same time the project is completed or no longer than 1 year afterward. This will impose a cost on communities, particularly smaller ones, but it is not as onerous as regulations proposed 2 years ago which ultimately prevented a final agreement between the House and Senate. For some, the new regulations are too onerous; for others, not enough. As I said, I believe we strike a balance.

This legislation is supported by over 250 organizations representing the environment, agriculture, labor, and chambers of commerce. I ask unanimous consent that the letter from the National Waterways Alliance listing these groups be printed in the RECORD.

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

NATIONAL WATERWAYS ALLIANCE,
Arlington, VA, June 30, 2006.

Hon. CHRISTOPHER S. BOND,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: After six long years, we finally have hope for passage of the Water Resources Development Act of 2006 (WRDA). Our country cannot afford further delay. Clearly the time has come, particularly in light of the lessons learned from Hurricane Katrina, for Congress to complete its work on this crucial legislation for our nation's water resources.

As Senate leaders prepare the bill for floor consideration, we urge you to: (a) Request that the Majority Leader bring the bill to the floor quickly; (b) Accept the Inhofe-Bond Amendments and Reject the Feingold-

McCain ''Corps reform'' amendments. (See attachment.)

S. 728, much like its House of Representatives counterpart, represents a workable compromise to address and provide guidance on a number of policy issues, including the need to strengthen the Army Corps of Engineers' feasibility study process, provide meaningful project peer reviews and refine mitigation standards to embody sound ecological science. In addition, S. 728 provides authorization for many important projects with the potential to improve our economy, ease our nation's growing problem of congestion and dependence on foreign oil, and enrich our quality of life and environment.

Our water resources system contributes mightily to our nation's well-being. Ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, economical and eco-friendly transportation alternative—for products such as steel, coal, fertilizer, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the nation's grain exports. Our flood damage reduction program saves lives and prevents almost $8 in property losses for each dollar spent. Corps' hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits.

We solidly support expeditious passage of S. 728 as a balanced and responsive Water Resources Development Act, and urge you to do the same. The Senate must act now to move us closer to achieving and preserving an economically and environmentally sustainable water resources development program for the nation's future.

Sincerely,

Agricultural Retailers Association; AGC of St. Louis; Ag Processing Inc.; Agribusiness Association of Iowa; Agriculture Ocean Transportation Coalition; AGRIServices of Brunswick, LLC; Agrium; All American Coop; Alter Barge Line; Ameren; American Association of Port Authorities; American Association of State Highway and Transportation Officials (AASHTO); American Farm Bureau Federation; American Feed Industry Association; American Public Works Association; American Shore and Beach Preservation Association; American Soybean Association; American Waterways Operators, Inc.; Aon Risk Services; Arch Coal, Inc.; Arkansas Basin Development Association; Arkansas Waterways Association; Arkansas Waterways Commission; The Associated General Contractors of America.

Association of California Water Agencies; Association of Equipment Manufacturers; Association of Marina Industries; Association of Ship Brokers and Agents (U.S.A.), Inc.; Atlantic Intracoastal Waterway Association; Bay Planning Coalition (San Francisco Bay-Delta); Ben C. Gerwick, Inc.; Bergmann Associates; Boat Owners Association of The United States (BoatUS); Boaters are Voters; J.F. Brennan Marine, Inc.; Bunge North America, Inc.; Bussen Terminal; Buzzi Unicem USA; Caddo-Bossier Port Commission (LA); Cahokia Marine Service; California Coastal Coalition; California Marine Affairs and Navigation Conference; Cargo Carriers/Cargill; Caver and Associates, Inc.; Ceres Consulting, LLC; CF Industries, Inc.; Cherokee Barge & Boat, LLC; City of Carolina Beach, NC.

Carpenters' District Council of Greater Saint Louis and Vicinity; CEMEX, Inc.; CH2MHill, Inc.; CHS, Inc.; Columbiana County Port Authority (OH); Colusa Elevator Co., Inc.; Consolidated Blenders, Inc.; Construction Management Association of America; Continental Cement Company, Inc.; Dairyland Power Cooperative; Dakota, Minnesota & Eastern Railroad Company; DeBruce Grain, Inc.; Determann Industries, Inc.; Dredging Contractors of America; Dyno Nobel, Inc.; Eagle Marine Industries, Inc.; Fabick Power Systems; Farmers Coop Association; Farmers Cooperative Elevator Company; The Fertilizer Institute; Fire Island Association (NY); J. Russell Flowers, Inc.; Gahagan & Bryant Associates, Inc.; City of Galveston, TX.

Galveston County, TX; Garick Corporation; Garvey Marine, Inc.; Gateway Arch Riverboats; Gateway FS, Inc.; Grain & Feed Association of Illinois; Grain Processing Corporation; Grampa Wood Excursions; Great River Economic Development Association; Green Bay Farms, L.P.; Growmark, Inc.; Grundy County Farm Bureau; Hampton Roads Maritime Association; Harber, Inc.; Harmony/Preston Agri Services, Inc.; Harris County Flood Control District (TX); Hatch Mott MacDonald, Inc Hawkins Chemical Company, Inc.; HDR; Heart of Illinois Regional Port District; HNTB, Inc.; Holcim (US) Inc.; IEI Barge Serivces; Illinois Chamber of Commerce; Illinois Corn Growers Association.

Illinois Farm Bureau Federation; Illinois Fertilizer & Chemical Association; Illinois Grain and Feed Association; Illinois Soybean Association; City of Imperial Beach, CA; INCA Engineers, Inc.; Ingram Barge Lines, Inc.; Inland Rivers, Ports & Terminals, Inc.; International Union of Operating Engineers; Iowa Corn Growers Association; Iowa Farm Bureau Federation; Iowa Renewable Fuels Association; James Marine, Inc.; Jeppeson Marine; Jersey County Grain Company; Johnson Machine Works; Johnston Enterprises Inc.; Johnston Port 33; W.B. Johnston Grain Co.; Johnston Seed Co.; Johnston Terminal, Muskogee, OK; Kansas City Power & Light; Kansas Corn Growers; Kaskaskia Regional Port (IL).

Kentucky Corn Growers Association; City of Keokuk, IA; Kindra Lake Towing, L.P.; Kirby Corporation; Lake Carriers' Association; Lake Providence Port Authority (LA); Limited Leasing Company; Linwood Mining & Materials Corp.; Little River Drainage District (MO); Long Island Coastal Alliance (NY); Louisiana Department of Transportation and Development—Public Works, Hurricane Flood Protection & lntermodal Transportation; Luhr Bros.; Magnolia Marine Transport Company; MARC 2000; Maritime Association of the Port of New York/New Jersey; Maritime Exchange for the Delaware River and Bay; Marquette Transportation Co., Inc.; Marquis Inc./Terminal Express; Maryland Grain Producers Association; Massman Construction Company; McCallie Marine Service, LLC; MEMCO Barge Line/AEP River Operations; Merrill Marine Services; MFA, Inc.

Michigan Corn Growers Association; Mid-Central Illinois Regional Council of Carpenters; Midwest Foundation Corporation; Midwest Industrial Fuels, Inc.; Minneapolis Grain Exchange; Minnesota Agri-Growth Council, Inc.; Minnesota Crop Production Retailers; Minnesota Farm Bureau Federation; Minnesota Grain and Feed Association; Minnesota Soybean Growers Association; Mississippi River Citizen Commission; Mississippi Welders Supply Co., Inc.; Missouri Ag Industry Council; Missouri Barge Line Company, Inc.; Missouri Corn Growers Association; Missouri Corn Merchandising Council; Missouri Farm Bureau Federation; Missouri Levee & Drainage District Association; Missouri Port Authority Association; Missouri Soybean Association; MO–ARK Association; Monsanto; Morrow Group USA; National Association of Manufacturers.

National Association of Maritime Organizations; National Association of Waterfront Employers; National Association of Wheat Growers; National Corn Growers Association; National Grain & Feed Association; National Grain Trade Council; National Grange; National Heavy & Highway Alliance: Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, International Union, Brickyard Layers & Allied Craftworkers; National Industrial Transportation League; National Marine Manufacturers Association; National Mining Association; National Oilseed Processors Association; NSA Agencies, Inc.; National Stone, Sand and Gravel Association; National Water Resources Association; National Waterways Conference, Inc.; New Madrid County Port Authority; Norman Bros., Inc.

The North American Export Grain Association; City of North Topsail Beach, NC; Ohio Corn Growers Association; Ohio Council of Port Authorities; Oklahoma Department of Transportation Advisory Board; Oklahoma Department of Transportation, Waterways Branch; Olympic Marine Company; Ouachita River Valley Association; Pacific Northwest Waterways Association; Pattison Bros. Mississippi River Terminal, Inc.; Pemiscot County Port Authority (MO); Personal Watercraft Industry Association; Port of Alexandria (LA); Port of Alsea (OR); Port of Bandon (OR); Port of Brookings Harbor (OR); Port of Coos Bay (OR); Port of Corpus Christi (TX); Port of The Dalles (OR); Port of Depot Bay (OR); Port of Garibaldi (OR); Port of Gold Beach (OR); Port of Galveston (TX); Port of Humboldt Bay (OR).

Port of Ilwaco (WA); Port of Memphis (TN); Port of Morrow (OR); Port of Muskogee (OK); Port of New Orleans (LA); Port of Newport (OR); Port of Palacios (TX); Port of Port Orford (OR); Port of Redwood City (CA); Port of Siuslaw (OR); Port of Toledo (OR); Port of Umatilla (OR); Port of Umpqua (OR); Port of Vancouver USA (WA); Port of Victoria (TX); Portland Cement Association; Ports of Indiana; Providence Grain Company; Quad City Development Group; Red River Valley Association; Red River Waterway Commission; Red Wing Port Authority; River Barge Excursion Lines, Inc.; River Navigation Coalition; River Resource Alliance.

Riverway Company; Salt Institute; Sargeant Grain Company; Schutte

Lumber Company; The Scoular Company; Seneca; Shattuck Grain Co.; J.R. Simpson & Associates, Inc.; Smurfit Stone Container Corporation; Southeast Grain & Feed Dealers Association; Southern Illinois Construction Advancement Program; SSA Marine; St. Louis City Port Authority/Economic Council; St. Lucie County, FL; Stone Oil Distributor, Inc.; Texas Water Conservation Association; TPG Marine Enterprises, LLC; Topsail Island Shore Protection Commission (NC); Transportation, Elevator & Grain Merchants Association; Transportation Institute; Tri-City Regional Port District; Trinity Marine Products, Inc.; Tri-Oak Foods, Inc.; Tulsa Port of Catoosa (OK).

Tulsa's Port of Catoosa Facilities Authority; Twomey Company; United Brotherhood of Carpenters and Joiners of America; U.S. Chamber of Commerce; U.S. Great Lakes Shipping Association; Upper Monongahela River Association Incorporated; Upper Mississippi, Illinois & Missouri Rivers Association; Upper Mississippi Waterways Association; United Soybean Board; Upper River Services, LLC; City of Venice, FL; Volunteer Barge & Transport, Inc.; Waterways Council, Inc.; The Waterways Journal, Inc.; Wayne B. Smith, Inc.; Weeks Marine, Inc.; Western Kentucky Navigation, Inc.; White River Coalition; Winona River & Trail; Wisconsin Agri-Service Association; Wisconsin Corn Growers Association.

Mr. BOND. Mr. President, anybody who wants to know if this is broadly based can look at the list of all of these groups. As I said, they include environmental, labor, agriculture, chambers of commerce, construction, energy, local entities. MARC 2000 in my State has been a very strong supporter.

I thank all of these people who support the bill. I thank my colleagues and their staffs for the hard work devoted to this bill and the difficult issues it presents. I particularly thank Chairman INHOFE for his forbearance. I look forward to the debate on this bill and final passage.

I hope my colleagues listen carefully to the debate because we have included significant Corps reform that will achieve all the benefits that legitimate requests for Corps reform entail, but it will not subject the process to unending, wasteful delays and further redtape that sank the bill the last time we tried to send it to the House.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SANTORUM. Mr. President, I thank the chairman and ranking member and the Senator from Michigan for providing me this opportunity to speak for a few minutes about the importance of this legislation to my State.

As many know, the State of Pennsylvania over the last several weeks has experienced catastrophic floods. FEMA has now issued individual assistance declarations for 22 of our 67 counties and declarations of public assistance for 24 counties. It could have been a lot worse but for flood control projects that this Congress authorized and approved in the WRDA process in the past, particularly the Wyoming Valley levee-raising project, which I will address in a moment.

I thank the chairman and ranking member for including a provision for a flood control project for the town of Bloomsburg. It is the only town in Pennsylvania. What you see was 25 percent underwater from the Susquehanna River just a couple weeks ago. Bloomsburg State University is there. It is a beautiful little town. It was completely submerged as a result of the flash flooding and then the raising of the Susquehanna River subsequent to the rains. So I appreciate the fact there is a flood control project in this legislation for the town of Bloomsburg.

In addition, we have had another problem upstream from Bloomsburg, an area where we have had a tremendous success, and that is the Wyoming Valley levee-raising project which is almost completed, but there is an area in Wilkes-Barre in particular called Solomon Creek. It is a tributary to the Susquehanna River.

This picture shows a little bridge that goes over Solomon Creek. This bridge is virtually dry most of the time. You can see it is up 12, 14 feet from the bottom. It is a horrible problem in the city of Wilkes-Barre. It backs up into the river and causes all sorts of damage in the city of Wilkes-Barre and south Wilkes-Barre right near a hospital which is hoping to expand—but will not expand if we can't fix this problem—to serve the residents of the area.

What I have asked the chairman to do—there is a provision that Congressman KANJORSKI got into the House WRDA bill which puts this flood control project underneath the Wyoming Valley levee-raising project which is authorized for over $400 million. Believe it or not, the levee-raising project came in at well under $400 million, about $250 million. So there is room under that cap to bring in this tributary which really does need to be fixed to address this major flooding problem.

The Senator from Oklahoma, when I explained this project to him, said he would support us in conference in making sure this project is included in the final bill. I will tell you, the people of south Wilkes-Barre are very pleased to hear tonight that as a result of this bill passing, and we get it through conference, the chairman of the committee will support the Solomon Creek project in conference, which will mean that literally within the next 12 months, we can begin to work on making sure that south Wilkes-Barre doesn't experience this kind of tragic flooding in the future.

With that, I thank the chairman for his assurance and his support. It is deeply appreciated by me and I know by Senator SPECTER and by the people of Wilkes-Barre.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I thank the distinguished chairman of this important bill and the ranking member for allowing me to speak about a different subject for a few moments. This is a very important bill which is before the Senate. It is very important to Michigan. I very much appreciate all the hard work they have put into bringing this bill to the floor.

I also thank my friend and colleague from California for allowing me to use a few moments of her time.

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

Mrs. BOXER. Mr. President, I was pleased to yield time to Senator STABENOW who had a very pressing matter regarding some of her constituents who are stuck in Lebanon with no way out, and a very vulnerable time for many of the families in her district and in her State.

Let me start out by saying thank you to my chairman, Senator INHOFE, and to our ranking member, Senator JEFFORDS, and, of course, Senators BOND and BAUCUS, and the array of Senators who have worked so hard on this very bipartisan bill. We have all worked together, and I believe it is an excellent bill. I thank the staffs for their commitment to this product, particularly Let Mon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron with Senator INHOFE, and Catharine Ransom and Jo-Ellen Darcy with Senator JEFFORDS. They put in very long hours, many of them, to help all of us, and for that I thank them.

All together, this bill represents the collective work of nearly 6 long years. That is how long it has taken to get this water resources bill to the Senate. I think we all agree that 6 years is far too long to wait for a bill that authorizes essential flood control, navigation, and ecosystem restoration projects, projects that help protect thousands of homes and the lives of millions from catastrophic flooding; projects that help restore the great wetlands and the rivers of our Nation. What we learned during Katrina is what happens when we lose the wetlands in our country, and we have been losing them. As a result of that, we lose the natural flood protection that we so desperately need. So restoring the great wetlands we have lost in California—I think it is about 90 percent of our wetlands, and nationwide I think it is even more than that. So we really have lost a great deal of our wetlands, and this bill helps to correct that. It protects the rivers of our Nation, also very important and is addressed here.

We have projects that help increase our port capacity and projects that make shipping easier and safer. Specifically, for my State of California, there are many great and valuable provisions in this bill, essential flood control provisions that more than double the amount of current funds authorized to improve and upgrade levees in the San Joaquin River Delta, levees that

will help protect two-thirds of California's water supply.

I remind my colleagues—I know you are aware of this—we have almost 37 million people in my State. So when we talk about flood control protecting the population, we are talking about quite a sizable population.

We have included ecosystem restoration pilot projects to help improve and restore the Salton Sea, which has been steadily shrinking into the deserts of southern California. The Salton Sea is a remarkable—remarkable—body of water.

The bill also includes authorization to restore vast salt marshes and wetlands around the Napa River.

I want to highlight one final provision in this bill for California. Earlier this year, I introduced the Los Angeles River Revitalization Act. When I tell my colleagues that there was a river in Los Angeles—there still is—they look at me and say: Well, where is this river?

Well, you can take it from me, there is a river. It has been destroyed over time. The local people, with a wonderful project, are trying to restore this river and continue to protect the residents of the area from flooding, but also to provide recreational opportunities for the communities on the riverbanks.

The 2006 WRDA bill before us contains key provisions from that bill, including a feasibility study and provisions authorizing demonstration projects to help get this great restoration effort going. If you have time to come with me to Los Angeles, I say to my colleagues, I will show you the amazing possibilities we have for recreation and for the young people in an area that is in great need, desperate need of recreation, because it is so populated and so crowded.

So in short, Mr. President, this is a great and important bill for my State. We cannot ignore our water infrastructure. We learned that from Hurricane Katrina. We cannot allow long periods of time to elapse without reauthorizing such a vital and important bill. Most of our colleagues agree, earlier this year, more than 80 Senators signed a letter requesting full Senate consideration of this bill. I have worked with colleagues on both sides of the aisle, particularly Senators INHOFE and JEFFORDS, in trying to address every colleague's concerns so that we could get to this moment, and here we are.

I look forward to discussing and debating several key policy issues relating to this bill. We have a couple of controversial ones, and I will be on the Senate floor as these issues come before us.

AMENDMENT NO. 4679

Mrs. BOXER. Mr. President, at this time, I call up my amendment No. 4679, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4679.

Mrs. BOXER. 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 modify the project for Folsom Dam, California)

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

Mrs. BOXER. Mr. President, I offer this amendment on Sacramento flood control at the Folsom Dam, and I want to speak on behalf of my amendment. My statement will be brief because I am very pleased that my amendment has been cleared on both sides of the aisle. Again, I thank Senators INHOFE and JEFFORDS and their staffs. We will be voice-voting this amendment, and it means a great deal to Senator FEINSTEIN and to me and the people from California, be they Republicans or Democrats or Independents. I again extend my thanks to Letmon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron, Catherine Ransom and Jo-Ellen Darcy. I am saying their names again because I think all too often staff just don't get the credit they deserve for the long hours they put in. Their work on this amendment, like so many others in this bill, has been invaluable.

I thank Senator FEINSTEIN for being a cosponsor of this amendment. I offer my appreciation for her help in this effort. Very briefly, I want to talk about why this amendment is so important, and then we will have a voice vote and we can move on to Senator SPECTER's amendment.

Sacramento is one of America's largest metropolitan areas that has less than 100-year flood protection, less than 100-year flood control protection. The Sacramento-American Rivers floodplain contains 165,000 homes—I want my colleagues to think about that—nearly 500,000 residents, the State Capitol is there, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs.

A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in Sacramento, and cause up to $15 billion in direct damage and up to $30 billion in total economic losses, and it would likely result in significant loss of life.

As the capital of the world's sixth largest economy—the world's sixth largest economy—no one can deny it is important to protect the Sacramento region and, fortunately, no one today is denying that. Yet Sacramento is terribly vulnerable to catastrophic flooding, so vulnerable that parts of the Sacramento area were under serious flood threat earlier this year. I remember well, when Senator FEINSTEIN and I came to the floor and we showed you the pictures. We are not going to go through those again tonight because I think you remember those pictures. There was that whole area where you have homes below sea level at risk every single day.

To protect this region from flooding, Folsom Dam was completed in 1956. It is located 15 miles northeast of Sacramento on the American River. To improve the dam's flood control capabilities, Congress authorized two projects to increase the dam's capacity and waterflow control. Over the past year, the Army Corps of Engineers and the Bureau of Reclamation have been working to refine and improve these plans.

My amendment ensures that this important process continues expeditiously and without interruption. This is what it does. It sets a strict timeframe of June 2007 for the Corps and

the Bureau to complete their report, so that design work can proceed without delay.

We all know bureaucracy. They will figure out one way to delay and another way to delay, and before long we have real serious questions of the costs for the project and having to pay more for the project. We pray during that time there will not be a catastrophic flood.

We are so pleased that this amendment has been signed off on, on both sides. It also calls for quarterly reports on the progress of the Bureau of Reclamation and the Corps.

The bill as agreed to by the managers of the bill today is an important next step to provide the region of Sacramento the level of flood protection it deserves. The Corps, the Bureau, and their non-Federal partners are continuing to work on designing the best solution for Folsom Dam, and the outlook is very promising.

As S. 728 moves to conference with the other body, I intend to work with my colleagues in any way needed to support this project. Again, I thank my colleagues on both sides of the aisle for agreeing with this important amendment, and I hope the day will soon come when we will have that report ready for you and move forward.

I ask unanimous consent that all of my time and the time of Senator STABENOW be charged against my amendment. I think that will clear up the time confusion with the Chair. Is that correct? Mr. Chairman, is that making you happy?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. We are done. I hope now we can voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I rise in support of the amendment by Senator BOXER.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. This amendment has simple goals: to consolidate some ongoing work on the Folsom Dam and get the Corps to finish in a timely manner. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in my opening statement, I talked about the rather difficult process we go through in this WRDA process and the Corps of Engineers starting off with a reconnaissance or a recon setting and then going to a feasibility study. I would like to say the project, as discussed by the Senator from California, has already gone through all this. It has already been authorized twice. So I join her in wanting to get this done.

I would like to make the comment, though, that at the conclusion of this voice vote, I think we are going to be going to the Specter amendment. It is the intention of the chairman, anyway, to go ahead and have that as a recorded vote this evening.

I support the Boxer amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4679) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: We have 1 hour equally divided?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4680

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself and Mr. CARPER, proposes an amendment numbered 4680.

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

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

The amendment is as follows:

(Purpose: To modify a provision relating to Federal hopper dredges)

Strike section 2020 and insert the following:

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

Mr. SPECTER. Mr. President, this amendment is to delete a provision in the bill which would prohibit the hopper dredge *McFarland* from remaining in operation. I submit this bipartisan amendment on behalf of myself and Senator CARPER, of Delaware.

It is a little hard to understand why this pending bill seeks to retire this vessel, which does important dredging work, on a bill which is denominated to provide for the consideration of the development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, because this dredger is very important for the specific stated purposes of the bill.

I would start with the important role this dredging vessel, the *McFarland*, plays with respect to the Nation's military operations. The *McFarland* is one of only three active dredging vessels owned by the U.S. Government, with one other held in reserve. The other two active vessels are on the west coast. The *McFarland* is available to respond immediately to emergency blockages at the Department of Defense-designated strategic military seaports.

At a time when terrorism is a major threat in this country, it is hard to understand why we would want to give up the only dredger which is available on the east coast and on the gulf coast. I think there may be many Senators whose States will be adversely affected, as will Pennsylvania and Delaware and New Jersey—the States in our region—when you take a look at the Defense-designated ''Strategic Military Seaports'' within the operating range of the *McFarland*, which covers New York and New Jersey; Hampton Roads, VA; Morehead City, NC; Wilmington, NC; Charleston, SC, Savannah, GA; Jacksonville, FL; Gulfport, MS; Beaumont, TX; Corpus Christi, TX; the Earle Naval Weapons Station, NJ and Sunny Point, NC.

Senators from those States, beware about what is going to happen to your State if you don't have this dredger available to perform strategic military seaport operations at a time when there is a significant risk of terrorism.

The *McFarland* has also played a key role in responding to severe weather events and natural disasters. Most recently, the vessel was dispatched to the gulf coast to assist in Hurricane Katrina response efforts. So, Senators of Louisiana and Mississippi and Texas and Alabama, beware if this vessel is not available. There are two on the west coast. They can't get to these areas to perform needed rescue efforts.

There has been no plan put forward to address the void in the Nation's dredging capacity that will be created in the absence of the *McFarland*. The GAO has been critical of restricting the Federal hopper dredge fleet. It made a finding in a March 2003 report that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. That is because those in the private sector are on notice, with a Federal dredger available they are not in a position to raise their costs without the competition that would be supplied by the Federal dredger.

It isn't exactly a matter of having a great Federal fleet and looking to privatize or looking to help the private sector. You have 15 private dredgers, and they are interested in eliminating competition so they can raise the prices.

There was a report by the Corps of Engineers on June 3, 2005. That report does not provide sufficient support for its recommendation to eliminate the *McFarland*. You would think, if the committee was going to come forward and wanted to eliminate the *McFarland*, they would have some Federal report with verified data to rely upon, but they do not. The GAO, in 2003, says we ought not eliminate the limited Federal dredgers. The Corps of Engineers' report of 2005 doesn't give sufficient reasons for what the committee report seeks to accomplish.

There has been some suggestion that the *McFarland* is in need of repairs. That is contrary to fact. That is a scare tactic. The fact is that the *McFarland* is capable of operating for the next 10 to 12 years without undergoing any major rehabilitation work. As of March 23 of this year, just a few months ago, it was fully certified by the Coast Guard and the American Bureau of Shipping. The *McFarland* is able to be dispatched immediately to these areas.

Again, the availability of the *McFarland* ensures that prices will be reasonable when the Corps of Engineers contracts with private industry to perform dredge work. If the *McFarland* were to be decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and the Corps of Engineers' dredging costs will likely increase during peak work periods, when the availability of private bidders is limited.

The *McFarland* facilitates the safe and reliable movement of commercial goods. On the Delaware River alone, the *McFarland* helps maintain a shipping channel which supports 38 million metric tons of cargo per year at a total value of $14 billion—amounts which rank second and eighth in the Nation respectively. It is a big economic blow to my State and a big economic blow to Delaware and a big economic blow to New Jersey and a big economic blow to other States to have this *McFarland* phased out.

I am at a loss to see the motivation for the committee to come forward with this recommendation and in effect to pick a fight with half the States in the country. I will be anxious to see what the committee has by way of argument to justify eliminating the *McFarland*.

I ask unanimous consent that the full text of my printed remarks be printed in the RECORD.

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

Mr. President, I have sought recognition today to introduce an amendment to the pending bill, along with my colleagues, the Senators from Delaware, regarding the Federal Hopper Dredge *McFarland*. This amendment would strike language included in the bill to decommission the *McFarland* within 2 years of enactment. The *McFarland* is a 300 foot-long, oceangoing hopper dredge crewed by approximately 80 employees of the U.S. Army Corps of Engineers Philadelphia District. The Federal Government operates a total of four dredges—two on the West Coast and one in ''Ready Reserve'' status on the Gulf Coast. The *McFarland* is the only ''active'' Federal hopper dredge available to perform critical emergency and maintenance dredging work along the Atlantic and Gulf Coasts. I am advised that nearly 80 percent of the national hopper dredging workload occurs along these shores, and that no viable plan has been put forth to fill the void in our Nation's dredge capacity if the *McFarland* were to be decommissioned. Accordingly, I believe that reducing the Federal hopper dredge fleet at this time would be unwise considering its importance to both our national dredging capacity and a maritime industry that relies on prompt, reliable and cost-effective dredge service.

I am advised that the recommendation to decommission the *McFarland* was based on two contentious assertions: that $20 million in major rehabilitation work is required to support the *McFarland*'s continued operation; and that the private dredge industry can perform comparable dredge work at a lower rate than the *McFarland*. It is my understanding, however, that the *McFarland* is capable of operating for the next 10–12 years without undergoing any major rehabilitation work. The *McFarland* has benefitted from routine scheduled servicing and both major and minor overhauls over the past 6 years. The vessel maintains a full oceangoing certification from both the United States Coast Guard as well as the American Bureau of Shipping. I am advised that these inspections are performed on a yearly basis and that the *McFarland* passed both as recently as March 23, 2006. It is my understanding that no extraordinary funding source nor direct appropriation is required to keep the *McFarland* operational and available to perform emergency and maintenance dredging along the Atlantic and gulf coasts. Rather, the *McFarland* can perform dredge work for the remainder of its useful life supported only by a portion of the overall cost of the project on which it is working and routine maintenance.

The assertion that private industry can provide comparable dredge service at a lower rate than the *McFarland* is also questionable. The Corps of Engineers' June 3, 2005 Report to Congress does not sufficiently verify private industry data used to recommend the *McFarland*'s retirement, and there are no assurances that private industry will be able to fill the void created by decommissioning the *McFarland*. For one, private industry may also not have the capability to respond to dredging requirements in as timely a fashion as the *McFarland*. Being a Federal dredge, the *McFarland* is able to be dispatched immediately to respond to emergency situations that occur within its operating range. By contrast, it is my understanding that the bid solicitation and contract award process necessary to dispatch a private dredge typically requires a minimum of 2 weeks. If the *McFarland* is decommissioned, our national ability to respond to emergency dredging requirements in a timely manner will be jeopardized.

Additionally, the cost of dredging contracts could actually increase if the *McFarland* were decommissioned. I am advised that the mere availability of the *McFarland* to perform dredging work ensures that costs will be reasonable in times of high demand or when there are limited bids for dredging projects. The *McFarland*'s presence serves as a check to keep private industry pricing inline on non-Federal dredging contracts. The GAO recognized this in a March 2003 report noting that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. If the *McFarland* is decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and costs will likely increase during peak work periods when limited bidders are available.

Further, the *McFarland* dredges areas that private industry has historically avoided, such as environmental restoration projects which require strict adherence to potentially burdensome guidelines. The *McFarland* is also available to respond to small jobs which may not be attractive to private industry. Costly shipping delays could occur if private industry declined a dredge job that was economically unattractive, and a Federal fleet must be maintained to ensure the availability of dredge services in such situations.

The availability of prompt, cost-effective dredge services on both profitable and nonprofitable projects helps ensure the safe and reliable movement of goods coming to and from Atlantic and gulf coast ports. The reliable movement of maritime cargo is vital to the economy and preserving our current dredging capacity is indispensable to maintaining the authorized water depths necessary to support the Nation's commercial navigation activity. Port stakeholders are deeply concerned that costly shipping disruptions could occur if our national dredging capacity is reduced.

Reliable, cost-effective dredge service is also very important to the continued success of our Nation's military. The *McFarland* is available to respond immediately to emergency blockages at Department of Defense-designated ''Strategic Military Seaports'' within its operating range, including Philadelphia, New York/New Jersey, Hampton Roads, Morehead City, Wilmington, Charleston, Savannah, Jacksonville, Gulfport, Beaumont, Corpus Christi, Earle Naval Weapons Station and Sunny Point. Thousands of pieces of military equipment and cargo are shipped to Iraq and depots throughout the Nation from these ports and retaining the existing hopper dredge fleet is essential to ensuring that military cargo arrives at its destination on time.

In addition to supporting commercial and military navigation activities, the *McFarland* plays an important role in responding to severe weather events and natural disasters, including being dispatched to the gulf coast to assist in the Hurricane Katrina response efforts. Seasonal events and natural disasters place great demands on our Nation's already limited dredging capacity. Given the number of weather-related events experienced annually along the Atlantic and gulf coasts, all available dredge resources, including the *McFarland*, are essential and must be retained. Our Nation's ability to respond to natural disasters and weather-related events will be even more limited if the *McFarland* is decommissioned.

In conclusion, no plan has been put forth to address the void that will be created in the *McFarland*'s absence. Absent a viable plan to replace her dredging capacity, decommissioning the *McFarland* is dangerously premature and could have devastating impacts on our Nation's commercial, military and emergency response capabilities. The ability of the private dredge industry to replace the services provided by the *McFarland* at a reasonable rate has not been proved. The continued operation of the *McFarland* will ensure that emergency and maintenance dredging work on both the Atlantic and gulf coasts remains responsive, reliable and cost-effective. Accordingly, I urge my colleagues to adopt this amendment.

Mr. SPECTER. Mr. President, I am reserving 10 minutes for Senator CARPER, but I am waiting with interest to see what the chairman of this committee has to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time I will not give my full statement in opposition. I will say I would like, at this point, to have printed in the RECORD a couple of letters, one from the Transportation Institute and the other from the Seafarers International Union of North America, AFL–CIO, both saying essentially the same thing; that is, $165 million has been spent for

hoppers to be able to have modern dredges work in the same areas. The capacity is there to bring the *McFarland* up to date. It would be, according to the Corps of Engineers, a cost of about $20 million. For all these reasons, they oppose it.

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

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

TRANSPORTATION INSTITUTE,
Camp Springs, MD, July 17, 2006.

Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Committee on Environment & Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: The Transportation Institute is of the understanding that the Senate is about to take up consideration of the Energy and Water Resources Act of 2005. We would like to take this opportunity to respectfully request that the Senate reject any attempt that might be offered during floor consideration of this bill that would modify the language contained in Sections 2021 and 563 of the bill.

These sections would decommission the 39 year-old Federal dredge *McFarland*. The Corps of Engineers is in support of the decommissioning, citing the private sector's aggressive $165 million investment in hopper dredge capacity over the past eight years. Moreover, it is our understanding that the Corps of Engineers has calculated an annual savings of some $10 million as a direct result of decommissioning the *McFarland*. Given the fact that the continued operation of the *McFarland* would only duplicate existing private sector capacity, it would seem fiscally prudent to take advantage of such a cost-saving opportunity.

The Transportation is in strong support of the passage of the Water Resources Development Act of 2005 with the language of Sections 2021 and 563 intact. Passage of this legislation would protect the commercial and environmental interests of our national waterway transportation system while concurrently reflecting the proven capability of our private hopper dredge industry.

Sincerely,

JAMES L. HENRY.

SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA,
Camp Springs, MD, July 16, 2006.

Hon. JAMES M. INHOFE, Chairman, Hon. JAMES M. JEFFORDS, Ranking,
Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MEMBER JEFFORDS: It is our understanding that the Senate is about to consider S.728, the Energy and Water Resources Development Act of 2005. The Seafarers International Union, along with a broad coalition or union, industry, agriculture, aggregate and other interests, has corresponded with Congress in support of this long overdue legislation critical to maintaining and protecting the commercial and environmental integrity of this vital national transportation system.

We would like to take this opportunity to recommend your opposition to any potential amendment that might be offered during floor consideration that would modify the intent of Section 2021 and Section 563 of this bill. This provision, as presently worded, decommissions the 39 year-old Federal hopper dredge *McFarland* The decommissioning of this dredge has the support of the U.S. Army Corps of Engineers citing an anticipated annual savings of $10 million. Furthermore, over the past 8 years, the private sector has invested some $165 million in capital to expand and modernize the private sector hopper dredge fleet. In fact, I participated in the christening ceremony of the SIU-crewed hopper dredge *Liberty Island*, the newest addition to the Great Lakes Dredge and Dock hopper dredge fleet.

In closing, the Seafarers International Union supports passage of the Water Resources Development Act of 2005 with Section 563 fully intact. To do so would be cost effective and entirely appropriate given the private sector's demonstrated hopper dredge capability. Once again, we appreciate the opportunity to comment on this matter.

Sincerely,

MICHAEL SACCO.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Pennsylvania is recognized.

Mr. INHOFE. Could I interrupt just for a moment? I would like at this point to yield a few minutes, whatever time is necessary off of our time, to the Senator from Missouri who has another committee hearing and would like to take his time now. Would that be acceptable?

Mr. SPECTER. Mr. President, I will be glad to yield to the distinguished Senator from Missouri if I may ask one question that was raised by what the Senator from Oklahoma has just said. He has made the assertion that it would cost $20 million to bring the *McFarland* up to shape. I ask him, what is the source for that and how does that square with the fact that on March 23 of this year, just a few months ago, the *McFarland* was fully certified by the Coast Guard and the American Bureau of Shipping, so that it is in good shape and would require no funding to keep it in operation?

Mr. INHOFE. Mr. President, it doesn't need the $20 million to bring it up to standard for it to compete. The Corps of Engineers has stated that its operational costs are almost double that of the private sector dredging that has been taking place. This has been agreed to by the Seafarers International Union of North America. So it is the Corps of Engineers that is making that assertion, and it is agreed to by both the Seafarers International Union and the Transportation Institute.

Mr. SPECTER. Mr. President, if I may make one statement before yielding to the Senator from Missouri, that is in direct variance with a report of the Corps of Engineers on June 3 that did not sufficiently justify its recommendation to retire the *McFarland*. And they found further that there are no assurances that private industry will be able to fill the void created by the decommissioning of *McFarland*.

I yield now to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our chairman and manager of the bill for yielding time. I join him in urging that my colleagues oppose the amendment to strike the provision to decommission the Hopper Dredge *McFarland*.

As has already been stated, the *McFarland* is an expensive, 39-year-old hopper dredge which costs $79,000 a day to operate, more than double what a more technologically capable commercial dredge would cost. The *McFarland* imposes a wasteful expenditure of scarce resources on Corps dredging projects.

The Energy and Water bill will provide money for removing asbestos from the *McFarland*, another expense we don't need. In addition, it needs between $20 million and $40 million in upgrades to bring its safety and operational efficiency to minimal levels of acceptability in comparison with state-of-the-art private sector dredges.

Since 1978 the dredging industry has developed the capability to perform the majority of the Corps' dredging work.

This came as a result of Public Law 95–269, which directed the Secretary of the Army to dredge by contract, if he determines private industry has the capability to do such work and it can be done at reasonable prices and in a timely manner.

Under the law the Secretary ''shall retain only the minimum federally owned fleet'' to ''carry out emergency and national defense work'' and may set aside ''such amount of work as he determines to be reasonably necessary to keep such fleet fully operational . . . for as long as he determines necessary.''

During the last decade the Corps has successfully followed a ''use industry first'' policy.

Today's facts: industry is more capable; has provided more than reasonable prices; and responds routinely in a timely manner and successfully to emergencies.

All four government dredges, including the ready reserve dredge Wheeler, are fully operational.

The data does not support the continued operation of the 39-year-old *McFarland* or spending an additional $20–40 million on its modernization. The vision provided by Congress and implemented by the Corps has resulted in a vibrant and competitive marketplace.

As the Corps' November 2005 Hopper Dredge Report to Congress points out, generally, the combined industry/Corps hopper fleet has been able to meet demand.

With the January 2006 launching of the hopper dredge *Glenn Edwards*, industry has added 18 percent additional hopper capacity to the combined Federal/private hopper dredge fleet.

With a hopper capacity in excess of 13,000 CY, the *Glenn Edwards* is configured to dredge in all deep draft commercial ports in a highly effective manner. Therefore, ability to meet the Nation's hopper dredging needs has been greatly enhanced since the Corps' Hopper Dredge Report to Congress was released.

Industry by and large does most of its work for the Corps under contract.

Therefore, if an emergency arises and industry dredges are all working, the Corps has the ability to reassign a private dredge working elsewhere under Corps contract to do an emergency dredging job.

Most of the dredging requirements on the Delaware River, particularly in the upper reaches near Philadelphia and Wilmington, can be accomplished through the use of nonhopper dredges. In fact, it is more efficient to dredge with a nonhopper dredge in the case of the *McFarland* because material must be pumped out of the hopper by private pumping equipment in the upper reaches of the Delaware River.

The Corps hopper dredge *Wheeler* was placed in ''Ready Reserve'' by the Congress in WRDA in 1996 as insurance that a hopper dredge would be available to respond to urgent and emergency dredging needs in the gulf, on the Mississippi River, and on the east coast.

The Wheeler has actually been used on the east coast to respond to emergencies when a private hopper dredge is not available. Therefore, the *Wheeler* is working exactly as Congress intended—as insurance for use during emergencies.

We should be looking for ways to make the operation of our major activities more efficient by using private sector facilities where they can be done more reasonably and more effectively rather than spending large amounts of Federal dollars just to keep the dredge in operational capability. Paying a very high charge for it every day when there are better rates available warrants the recommendation in the WRDA bill that we decommission the Hopper Dredge *McFarland*.

I urge my colleagues not to support the striking motion.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief reply to the comments of the Senator from Missouri, the Corps of Engineers has put a $20 million figure for putting the *McFarland* into Ready Reserve. But that doesn't deal with having the *McFarland* operational. That estimate was disputed by the Maritime Exchange for the Delaware River and others presenting factual information.

I have just checked to find out if there was any hearing held on this matter. But I am advised that there was not. The rest of the Corps of Engineers report did not provide assurances that private industry would be able to fill the void created by decommissioning the *McFarland*. When you come to the issue as to whether it is capable of proceeding operationally, no one has disputed the facts that the McFarland is capable of functioning for 10 to 12 years without undergoing any major rehabilitation work being fully certified by the Coast Guard and the American Bureau of Shipping as of March 23 of this year, an undisputed fact.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. SPECTER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask if Senator CARPER would await the arguments of the chairman.

Mr. INHOFE. Mr. President, let me comment.

I was asked the question by the Senator from Pennsylvania as to clarification on this Army Corps of Engineers report. It was the Energy and Water appropriations that made a request of the Corps of Engineers on June 3, 2005. The Corps report states:

> From the above discussion, the most reasonable option would be to retire the McFarland.

It goes on to state:

> It is expected that sufficient industry hopper dredging capability exists to perform the requirements that may occur on the Delaware River.

Finally, it states:

> McFarland would have to be rehabilitated and repowered at the cost of approximately $20 million.

It says that on page 22 of the report. I will go ahead.

I ask the Senator from Delaware to take his time and I will elaborate a little bit more on this on my time.

Mr. SPECTER. Mr. President, the argument that the Senator from Oklahoma makes about a 2005 report by the Corps of Engineers is flatly contradicted by the certification by the Coast Guard and the American Bureau of Shipping as of March 23, 2006, after the 2005 report referred to by the Senator from Oklahoma, that the *McFarland* requires no rehabilitation and remains operational and available to perform dredge work.

I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank Senator SPECTER, one, for yielding time, and, second, I thank him for offering an amendment to give me an opportunity to join him in offering this amendment.

Before I get to my remarks, for folks who are listening to the debate tonight, it might be confusing. There is a question as to whether this dredge called the *McFarland* is seaworthy. There is a question about whether the enormous investment—as much as $20 million—is required for it to be seaworthy or to become seaworthy or remain seaworthy. This is the deal.

The Coast Guard has said as recently as 4 months ago that the *McFarland* is seaworthy. There is no suggestion—at least that I am aware of—on behalf of the Coast Guard that says $20 million or $2 million has to be spent now or next year to make it continue to be seaworthy.

The question is, What kind of investments would be needed to be made in the *McFarland* if it were to be transitioned to the Ready Reserve? In that case, I am told that an investment—as much as $20 million—might be needed in order to transition this vessel to the Ready Reserve. We are not proposing that the vessel be transitioned to the Ready Reserve. We are simply proposing that it be allowed to continue the work it does along the east coast and not long ago down on the gulf coast as well.

I think maybe that is clarifying and maybe a little bit illuminating for some of the people who are listening to this debate on the edge of their seats to determine the future of the *McFarland*.

The *McFarland* is based in Philadelphia and is one of the four hopper dredges currently owned and operated by the Army Corps of Engineers. It is the only Federal dredge stationed on the Atlantic coast.

The *McFarland* is used for maintenance dredging on the Delaware River and the Delaware Bay as well as on the east coast and the gulf coast of our country. It is also used for emergency and for national defense dredging wherever that might be needed.

The *McFarland* has been used to restore navigation after major emergencies, such as along the gulf coast after Hurricane Katrina, and after the four hurricanes that hit Florida in 2004. This dredge is also utilized when no private dredge is available and no reasonable bid is made by private industry.

In 1979, Congress passed a law instructing the Corps to use private industry dredges when industry has the capability to do the work at reasonable prices and in a timely manner. Congress also directed the Corps to retire Federal dredges when private industry demonstrated the capability to do the work. At the same time, the Corps was charged with maintaining a federally owned fleet to carry out emergency and national defense work.

In attempting to balance these responsibilities, the Army Corps produced a report in 2004 calling for the decommissioning of the *McFarland* dredge, saying that private dredgers had increased their capacity to do the same job for less. But the Corps report was sharply criticized subsequently by the Government Accountability Office for flaws in its analysis and its cost estimates.

As a result, a new report was produced last year by the Army Corps. While it still called for the decommissioning of the *McFarland*, it raised several troubling questions about private industry's capacity and the Army Corps' ability to respond to emergencies without the *McFarland*.

The report indicated that the Corps' dredge fleet is still sometimes needed, saying ''industry alone has not been able to meet peak demands.''

The report goes on further to say that when private capacity is

stretched, the Corps fleet is needed to protect the taxpayers' dollars and ensure reasonable bids. It states:

With such a limited number of vessels in the fleet, and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand, and costs will rise. The Corps' presence will serve as a deterrent for potential cost increases.

Without the *McFarland*, when private industry is at capacity and unable to respond to dredging needs on the east coast, we will have to turn to the *Wheeler* dredge, which is stationed in New Orleans. But this dredge is already in high demand. And in recent years, both dredges have been needed to respond to natural emergencies.

Emergency situations were considered by the Corps. They looked at a ''worst case scenario'' in their report, using the 2004 hurricane season as a good example of a worst case scenario. That year, private industry's capacity was stretched and natural disasters created an emergency need for still further dredge work.

The Army Corps pointed out in their report that the *McFarland* was needed in 2004 to respond to the four hurricanes that hit Florida. But the report downplayed the likelihood of a worst case scenario occurring again, saying:

Having four hurricanes in a row with the extent and magnitude of damages experienced is not a common occurrence.

I wish that were true. Sadly, the following year, demonstrated that the worst Hurricanes Katrina, Rita and Wilma case scenario can come in different forms. And more active hurricane seasons are predicted to continue to occur this year, next year, and the year after that.

We would all love to believe that this type of disaster will not happen again and that we do not have to plan for that possibility. But we have no choice.

Active hurricane seasons should be expected, and we cannot fail to clear our navigation channels after a disaster—they are too important to our economy and our national security.

Finally, the Corps has found that smaller channels and smaller jobs sometimes do not attract as many bids from private industry. The Corps expressed concern about this in their report.

In discussing the industry's lack of ability to meet peak demands, it pointed out that private industry may not always have the right kind of dredge available to serve a smaller channel.

These same concerns can apply to smaller jobs, where it is not cost effective to move a private industry dredge to perform the work. In fact, without the *McFarland*, it might not be economical to use the remaining federal dredges to respond to such jobs. It could cost as much to move the Wheeler to the northeast Atlantic coast and back to the gulf as it would cost to operate it for 2 weeks.

In this case, it would be more economical to keep the *McFarland* where it is. This way it can be used when there is not enough private dredge capacity to meet the needs along the east coast.

We must ensure that we can maintain our waterways and access to our ports, whether small or large.

We should also continue to support the growing private dredge industry. However, we cannot and should not expect private industry to do work that is not profitable or beyond their capacity.

Nor can we plan for only the best case scenarios. Recent hurricane seasons have proven that we don't have that luxury.

To my colleagues, I urge support for this amendment. I thank Senator SPECTER for offering it. I am pleased, again, to join him in doing so.

I yield back whatever time I have not consumed.

Mr. SPECTER. Mr. President, I yield to the distinguished Democrat manager of the bill, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in support of the Specter-Carper amendment of the hopper dredge *McFarland*.

The Corps of Engineers maintains a fleet of four hopper dredges, and according to the GAO the Corps needs to maintain its own fleet, even when there are commercial dredges available.

One reason the Corps needs to maintain a hopper dredge fleet is that changes in annual weather patterns and severe weather events, such as hurricanes and floods, can create a wide disparity in the demand for hopper dredges from year to year.

The *McFarland* is the only hopper dredge on the East coast. If it were retired, it is not certain that the needs of the East coast during an emergency could be met by the private sector.

I support the amendment by Senators SPECTER and CARPER that would keep the *McFarland* in the hopper dredge fleet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Vermont, the ranking member of the committee, for those comments.

I think he puts his finger on the critical spot. That is, if the *McFarland* is decommissioned, we may well have a need which will not be fulfilled. That was a big hole in the report of the Corps of Engineers that there were no assurances that the private sector would be able to handle the workload.

The fact is, as outlined in the report by the Corps of Engineers, the Corps' hopper dredges serve to ensure that costs will be reasonable, but with a limited number of vessels in the fleet and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand and costs will rise.

The Corps' presence will serve as a deterrent for potential cost increases. That means we need to keep the *McFarland* in operation.

The report goes on to say that a current example is the Wheeler being called out in February to perform work in the Mississippi River when a single industry bid exceeded the award amount. The Corps report further points out during the peak workload scenario, the largest industry hopper dredge, the *Stuyvesant*, experienced engine trouble and had to stop work, creating a capability shortfall. Subsequent to this event, increased shoaling in the Mobile Harbor created the need for an additional hopper dredge resulting in calling out the *Wheeler*, as the *McFarland* was also fully engaged.

When there has been talk about the daily rate of the *McFarland*, it is unsupported by the fine print. The *McFarland*'s estimated daily rate includes a payment the Corps has to make into a ''dredge replacement fund'' even though the Corps has no intention of replacing the *McFarland* with another federal dredge. Therefore, the daily rate which has been cited is inflated, unrealistic, and does not support decommissioning the *McFarland*.

How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know no Senator on this floor would misrepresent the facts in a case like this. We have an opportunity with an agreed-to provision of our bill, which I thought we all agreed to, that we are able to save a lot of money and finally put this thing to rest.

Every year we go through this same exercise. Everyone wants to keep this old relic called the *McFarland*. I cannot figure out for the life of me why they want to do it other than the fact maybe this is some kind of an emotional institution that exists that we want to hold on to. If that is the case, maybe we should let the Historical Society have that and they can see what dredging used to be like in the old days.

The *McFarland* is the oldest and most expensive hopper dredge owned and operated by the Corps. The Corps did a study in the hopper fleet and concluded that the *McFarland* should be retired. The WRDA bill does that. The pending amendment would prevent the retirement of the *McFarland*.

The Corps found the *McFarland* operates at almost double the daily cost of a private-sector dredge, and there is sufficient private dredge capacity to cover the work of the *McFarland*.

Proponents of keeping the *McFarland* in service argue that it is necessary for two main reasons. No. 1, to keep the Delaware River free from navigational hazards and to be ready for emergency dredging. Both are incorrect.

The Corps found they have more than enough capacity to handle dredge for

the Delaware River. Private dredges currently do over 80 percent of the dredging in the *McFarland* service area and still have idle capacity. The *McFarland* is the wrong type of dredge for much of the work on the Delaware.

The Corps and private industry have an agreement whereby the Corps can pull any private dredge off of any Corps project to send to an emergency. Since this agreement, the *McFarland* has not done any emergency work on the Delaware. Not only is the *McFarland* dramatically more expensive to operate than the private dredges, its age necessitates a rehabilitation that would cost over $20 million to remain in service. Even after updating, it would still be far more expensive to operate than those private dredges.

Since 1978, Corps policy has been to use industry first. This policy has been very successful. We need to retire this inefficient dredge. It will save the taxpayers a lot of dollars and get the Government out of the business of competing with the private sector.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this effort to retain the *McFarland* is not being undertaken for historical reasons. To talk about placing the *McFarland* in a museum is making light of an issue which is very, very serious for my State. It is potentially serious for about two-thirds of the other States in the United States which are affected by hurricanes and which have very important national security areas.

This amendment is being pursued at the request of the Governor of Pennsylvania and the Maritime Exchange. They are deadly serious about the adverse impact of retiring the *McFarland*.

On the Delaware River alone the *McFarland* helps maintain a shipping channel that supports 38 million metric tons of cargo per year, a total value of $14 million. That ranks second and eighth in the Nation.

We are not talking about a museum piece. We are talking about a dredge which is vital for jobs and the economy of the region. We are talking about the *McFarland*'s availability to respond to emergency blockades at the Department of Defense designated strategic military seaports. You are not talking about an antique. You are talking about an era where terrorism is an ongoing threat; where, within the past 2 weeks, we had a threat by terrorists to blow up the Holland Tunnel; where the President has a terrorist surveillance program which has superseded the Foreign Intelligence Surveillance Act and is viewed under the President's article II powers as a wartime precedent because of the threat of terrorism.

We are talking about Department of Defense interests in New Jersey, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, and Texas. We are talking about a dredge which played a key role in responding to severe weather events and natural disasters and was dispatched to the gulf coast to assist in Hurricane Katrina.

We have a report by the Corps of Engineers which relies upon industry data. The Corps report concedes that ''to verify the industry data would require extensive auditing and is beyond the scope or need of this report.''

Beyond the scope of the report; we ought to rely on a Corps of Engineers report that relies upon industry data where the industry has a vested interest in having the *McFarland* retired so they can make more money, and you have a national defense interest?

There has been no case made by the committee to replace the *McFarland*.

How much time remains on my side?

The PRESIDING OFFICER (Mr. DEMINT). The Senator has 2½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I have listened to these arguments. We keep going back and refuting the arguments. We have it documented. There is no question about that.

As far as the national security ramifications are concerned, I tell my good friend from Pennsylvania I have served for 20 years either on the House or the Senate Committee on Armed Services and I have watched these things very carefully.

The Senator has mentioned San Diego and San Francisco, all these areas for national security purposes.

I suggest to my good friend from Pennsylvania that these do not use the Corps dredges. They use private-sector dredges in these areas, in all of them you mentioned.

Again, going back to the arguments, as I quoted from institutions such as the Transportation Institute and the Seafarers International Union of North America, AFL–CIO, they all say the same thing, which I could repeat as many times as we need to tonight—and I have quite a bit of time left, so I guess I could do it several times—that it would take $20 million or so to refurbish this thing, to get it so it can operate.

The report that was quoted by the Senator from Pennsylvania of the American Bureau of Shipping, that was, as I understand it, only referring to the hull, that the hull has some problems and that the hull is not cracked. So again, I just repeat these arguments, as I have done before.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I did not refer to San Francisco and I did not refer to San Diego. The long list of States affected were on the east coast and on the gulf. There are two other Federal dredgers on the west coast.

I have great respect for the distinguished Senator from Oklahoma and his 20 years of service on the Armed Services Committee. But I have been, for 26 years, on the Defense Appropriations Subcommittee and have some familiarity with these issues. I was on the Intelligence Committee for 8 years and chaired it in the 104th Congress and have some appreciation of the problems of terrorism. And I have served on the Judiciary Committee for 26 years, now chair it, and have been very deeply involved in the President's electronics surveillance program which has superseded the Foreign Intelligence Surveillance Act because of the threat of terrorism.

We are talking here about having the *McFarland* available in many, many ports and in many, many States—not the State of California and San Francisco or San Diego, but in Pennsylvania, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, and others; and the gulf coast States affected by the hurricane, again, Texas and Louisiana and Mississippi and Alabama and Florida.

We are dealing here with a very flimsy Corps of Engineers report which is based on industry data which is not verified—a concession they make in this report. And it is provided by industry sources which have a vested interest and a bias in eliminating the McFarland as a competitor.

Mr. President, I think it is fair to say that if the committee's point on decommissioning the *McFarland* is to stand, they have a burden of proof. And they have not established it. There has not been a hearing on this subject. There has not been reliable evidence. And I would say that in the face of the threat of terrorism, and the work that the *McFarland* does in that area, and the work that the *McFarland* did in Hurricane Katrina, that their burden of proof is more than a preponderance of the evidence; it ought to be clear and convincing. And it has not been either clear or convincing.

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

Mr. INHOFE. Mr. President, it is my understanding that his time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma has 16 minutes.

Mr. INHOFE. Mr. President, I will just take a couple minutes.

Let me say, if the argument is that it is the industry influencing these reports, I think it is rather strange that the Seafarers International Union of North America, the AFL–CIO, are the ones that agree with this report and strongly recommend that we vote against this amendment to keep us from retiring this—as I referred to several times—this relic.

Now, the Senator has a couple of arguments I had not responded to. One was he states that it went down and performed some type of a function in Katrina. It is my information they took it down to Katrina, but it would not work, so they used it as an office.

As far as the ''flimsy'' report is concerned, I do not think I have actually

read from the report, but this says this is in response to the Energy and Water appropriations bill. They requested the Corps of Engineers to clear this up so once and for all we can get rid of this relic. This was June 3 of 2005. They said, reading from that report:

[I]t is expected that sufficient industry hopper dredge capability exists to perform the requirements. . . .

It further says:

Even if the scheduled work for the McFarland were maximized, the reduction in daily rate would still be almost double the daily rate of a comparable industry hopper dredge. . . .the McFarland is the oldest dredge in the fleet, and operates at a daily rate that substantially exceeds comparable industry medium class hopper dredges. If the McFarland were to be kept in the Minimum Fleet it would have to be rehabilitated and repowered at a cost of approximately $20 million.

So what you are saying is, you want to spend public funds of $20 million more to get something to compete with the private sector, that costs twice as much to operate as the private sector. I think this is absurd. I think we have been trying to do this for a number of years.

Now, we have the labor unions joining other interests in saying that we need to get rid of this thing and start saving money in our dredging. I urge my colleagues to oppose the amendment by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—63

Akaka	Harkin	Murkowski
Baucus	Hatch	Murray
Bennett	Hutchison	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Isakson	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Santorum
Chambliss	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Cochran	Leahy	Sessions
Collins	Levin	Shelby
Dayton	Lieberman	Snowe
DeWine	Lincoln	Specter
Dole	Lott	Stabenow
Domenici	Martinez	Stevens
Feingold	McCain	Vitter
Feinstein	Menendez	Warner
Graham	Mikulski	Wyden

NAYS—36

Alexander	Bayh	Bunning
Allard	Bond	Burns
Allen	Brownback	Burr
Coburn	Ensign	McConnell
Coleman	Enzi	Obama
Conrad	Frist	Roberts
Cornyn	Grassley	Smith
Craig	Gregg	Sununu
Crapo	Hagel	Talent
DeMint	Inhofe	Thomas
Dorgan	Kyl	Thune
Durbin	Lugar	Voinovich

NOT VOTING—1

Dodd

The amendment (No. 4680) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DUSTIN DERGA

Mr. DEWINE. Mr. President, this evening I rise to pay tribute to a courageous marine, LCpl Dustin Derga, of Pickerington, OH. Dustin was killed in Iraq while fighting insurgents on May 8, 2005, Mother's Day. After taking an interest in the military as a child, Dustin served 5½ years as a marine, and Operation Iraqi Freedom was to be his final deployment. Sadly, 24-year-old Dustin died just 1 month short of his scheduled homecoming.

He is survived by his mother Stephanie, his father and stepmother, Robert and Marla, sister Kristin, and girlfriend Kristin Earhart.

A 1999 graduate of Pickerington High School, Dustin went on to attend Columbus State Community College, where he pursued a degree in EMS and fire science. He also served his community by working as a firefighter.

Robert Derga shared these words about his son:

Dustin was a great pitcher and could play just about any position. He loved to play catcher, which was unusual. I remember all the weekends we would go out to the ball diamonds and watch him play ball. We really enjoyed that. He loved working with his hands. He just loved doing things and getting his elbows dirty.

Friends describe Dustin as fun-loving and said he was always trying to make others laugh. His father recalled that:

Dustin had a wonderful, fun personality. When you first met him, he seemed quiet and somewhat reserved—at least he let you think that. But once he got to know you, he would reveal that he is a practical joker at heart and the life of the party. He always had a great smile on his face. All the guys in Dustin's unit said he was always making them laugh.

Laura Giller of Pickerington said this about Dustin:

Dustin was my friend, and I always enjoyed seeing his face wherever I went. I worked with him, and whenever he was there, it made the day that much better. He always told the silliest jokes. I will never forget the friendship that Dustin gave me. Thank God for men like him.

Erik Mellquist, another hometown friend of Dustin's, wrote the following on an Internet tribute site:

Dustin was a great guy. I remember laughing constantly during cub scouts and little league baseball whenever Dustin was around. Thank you for sharing him with the rest of us.

Friends also emphasized Dustin's loyalty to the Marines. Fellow reservist Jeff Schmitz of Pickerington commented:

I saw Dustin around the Reserve Center on drill weekends. He was a great Marine and an even better human being. He will be greatly missed.

Retired marine Mike Hamilton added:

Dustin was a friend and fellow firefighter here in Baltimore, OH. I used to kid him about being too small to be a marine. He would set me straight, and then we would discuss the differences between the new Marine Corps he was in and the old one I was in. We both loved the Corps.

Dustin's loyalty to his military service was also apparent to his family and to those with whom he served. Robert said that his son ''had a passion for the Corps and was proud to be a Marine. Dustin really respected his brothers in the unit and he tried to have a good time with his comrades, even under the worst of conditions.''

Dustin's girlfriend Kristin wrote:

Dustin was a great man. I wish everyone would have been given the opportunity to know him. He was my world, my heart, and my soul. His smile would make your heart melt. He was so honored to be a part of the U.S. Marine Corps and defend every last one of us.

A friend named Martin shared the following memories of Dustin, and also his good friend, Nick Erdy, a fellow marine who died 3 days after Dustin. This is what his friend, Martin, said:

Derga and Erdy were some of the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq, they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. The first platoon will never be the same without them and the others that we lost. They were great guys, and they will be remembered in our hearts forever. They will never be forgotten.

Upon returning from Iraq, Dustin planned to finish college and use his savings to buy a new truck. In one of his last notes home he wrote:

I miss everyone a lot and can't wait to get home and go on maybe three vacations. I look forward to one vacation in particular.

He and his girlfriend Kristen had been planning on taking a vacation with his friend Nick Erdy and his fiance Ashley Boots.

Ashley said they just wanted to go somewhere fun to relax. These plans, of course, came to a tragic end when both

men died within 3 days of each other in Iraq.

After their deaths, Kristen wrote:

I just wish we could have had the chance to continue our lives the way we planned, but at least you are with Erdy. And don't worry, Ashley and I will never forget you two.

Nor will the rest of us forget the brave sacrifices made by these fine young men. My wife Fran and I continue to keep the family of Dustin Derga in our thoughts and in our prayers.

EDWARD SEITZ

Mr. President, I would like to pay tribute this evening to a brave Ohioan who lost his life while protecting the U.S. State Department personnel in Iraq. Edward Seitz was the first U.S. diplomat to be killed in Iraq since Operation Iraqi Freedom began in March 2003. He died on October 24, 2004, after a mortar shell struck him in the Green Zone in Camp Victory. He was 41 years old.

Ed grew up in Garfield Heights and in Brecksville, OH. He graduated from Holy Name High School in 1981 where he was on the wrestling team and then went on to Baldwin-Wallace College. Edward leaves behind his wife Joyce, his parents Elroy and Alba, a brother William, and a sister-in-law Colleen.

Colleen described her brother-in-law as ''a large man with a John Wayne kind of figure whose trademark outfit included a vest, button down shirt, boots, and felt hat.''

He was sent to Baghdad for a 1-year assignment with the State Department's Bureau of Diplomatic Security, which is the State Department's security unit. William said that his brother's work was his life. I continue to quote:

He did what he could to protect this country and to keep terrorism from your front door. He was 100 percent into the government and 100 percent into doing what he wanted to do to defeat terrorism. That's what he did and how he did it. That's what he gave his life for. That's what made him Eddy. That's what made him my brother.

Colleen echoed her husband's sentiments by saying:

Ed was just an amazing man. There was just nothing that he wouldn't do for someone. Every time he'd get on the phone, he'd say: What can I do for you? What do you need? What can I help with? That's just the way he was, and that's just what he was trying to do there.

I would like to read portions of the remarks that Joe D. Morton, the Director of the Diplomatic Security Service, gave at Ed's funeral because I find it particularly telling of Ed's life and values, and descriptive of his life and values:

In 16-plus years of service with the Department of State and the Diplomatic Security Service, Ed's strength and character and his dedication to family and to this organization were his hallmarks. His work was nothing short of magnificent. He accepted every challenge willingly and always performed with an unmatched level of excellence. Ed took on some of the most important missions throughout his career. Ed protected Secretaries of State and other foreign dignitaries so that they could conduct their business safely and securely in the hope of bringing peace and stability to troubled regions of the world.

Not only was Ed an exceptional agent, but he was an exceptional person as well. In an organization where so many interactions and personal contacts are short-lived by reassignments and the transient nature of the profession, the depths of personal friendships and length of time of the friendships Ed developed are quite remarkable. Ed's classmates from his basic agent training days unanimously remember Ed's caring and unselfish dedication to his colleagues and the organization. Ed would always be looking out for the welfare and safety of his fellow agents. Ed's first words to a person were, What can I do to help? He was always attending to the needs of his colleagues. No request was beyond the realm of possibility.

Once, in the midst of a particularly grueling trip, Ed literally gave another agent the shirt he was wearing so that agent could attend a senior level meeting. It is all these memories that stay with us forever.

Shortly after receiving word of Ed's death, the consulate in Shenyang held a memorial service in Ed's honor. The outpouring of emotions from those who worked with Ed and from those whose lives were touched by Ed, even after several years had passed, are a tremendous tribute to Ed's character and personality. His dedication to his profession is only outmatched by his devotion to his family.

Several years ago, when Ed and another agent were meeting in Ed's hotel room, the agent noticed a wedding photo in the room. When asked about it, Ed replied that it was a wedding photo of his parents and he took it with him wherever he traveled.

Ed's life was complete when he met his wife Joyce in Yemen. Their friends unanimously note that Joyce was Ed's perfect match. Ed was never happier than when he was with Joyce.

Again, those were the words of Joe Morton, the Director of the Diplomatic Security Service. I feel they perfectly capture what Ed stood for and what he fought for.

I would like to close by reading a poem written by one of Ed's cousins entitled ''The Third Tour.'' This is the poem:

The tower fell in Baghdad today.
Unlike the World Trade Center's Twin Towers, this tower is not made of concrete and glass.
This structure was formed with the steel of conviction.
Each element, riveted with the strength of brotherhood.
Larger than life was Eddy, a tower built not of man, but created by God.
A tower of a man to stand between terror and calm.
A friend and relative to be proud of. We all felt safer, somehow, knowing you were there.
We prayed for you and an end to the conflict.
A clink of the glass to celebrate a tower of a man.

Mr. President, this tower of a man, Edward Seitz, will indeed be dearly missed by his family and friends here at home, as well as those individuals whose lives he touched overseas. My wife Fran and I will continue to keep him and his family in our prayers.

STAFF SERGEANT ROGER CLINTON TURNER, JR.

Mr. President, I today pay tribute to a fine soldier and fellow Ohioan. SSG Roger Clinton Turner, Jr.—''Clinton'' as he was known—lost his life while serving in Operation Iraqi Freedom. He was killed February 1, 2004 when the sleeping area of his base camp came under mortar fire. Clinton was 37 years-old.

When I think about the sacrifices our men and women in uniform and their families make in the service of our Nation, I am reminded of something President Ronald Reagan said about the strength of the American people. He said,

Putting people first has always been America's secret weapon. It's the way we've kept the spirit of our revolutions alive—a spirit that drives us to dream and dare, and take risks for the greater good.

Clinton embodies the spirit President Reagan describes. He dedicated his life to military service and risked his well-being to bring freedom to the Iraqi people. Clinton excelled in his military career—but more importantly, he excelled as a son, husband, and father.

Clinton was born in Elgin, IL, but moved with his family to Ohio when he was 8 years old. At a young age, Clinton's mother Dottie recognized her son's artistic talent. She remembers how he loved to sketch and act, in addition to his other hobbies of reading comic books and playing video games.

Clinton attended Meigs High School in Pomeroy, OH, where he cultivated his love for the stage. He starred in several theatrical productions as a member of the school's drama club, including roles as Ebenezer Scrooge in ''A Christmas Carol'' and Ralph Malph in ''Happy Days.''

Celia McCoy, a drama teacher at Meigs High School, had Clinton in several classes and remembers his role as Sam Smalley in ''Crosspatch.'' She considered that role a difficult one because it was the opposite of Clinton's natural personality—Smalley was crude, whereas Clinton could not have been a nicer kid. Celia stated, ''A lot of high school students would have been intimidated to play this role, but not Clinton.''

In addition to his acting talents, Clinton was known by both teachers and students as a great guy to be around. Clinton's younger sister, Charmele Spradling, described him as the ''class clown'' who loved to laugh. ''He was definitely a character,'' she said. ''He had a very good sense of humor, was a good student, and a very bright young man.''

After winning several acting awards in high school, Clinton enrolled at Ohio University as a theatre major. A little more than a year later, however, Clinton did what most college students do. He changed his major—to elementary education. This would not be the last major change he would announce to his mother.

While a student at Ohio University, Clinton served in the National Guard and found that he enjoyed military life. So much so that he wanted to make it a career. He also found the love of his

life—his future wife, Teresa. Clinton's mother Dottie vividly remembers the phone call when her son laid out his life plan. She recalls, ''He called and asked if I was sitting down one day. Then, all in one breath he said he was quitting school, enlisting in the Navy, and getting married. I did sit down!''

Clinton served in the United States Navy for five years and was deployed during Operation Desert Storm, where he served as a radar man. After returning from Desert Storm Clinton changed service branches and enlisted in the Army. In total, Clinton dedicated 19 years of his life in service to our Nation.

More than a career serviceman, however, Clinton was a great dad. He and his wife Teresa considered their greatest accomplishments to be their son Steven and daughter Tabitha. Clinton's sister Denise remembers him as ''a playful father to his children.'' Though he did not like to leave his family, Clinton was committed to his country and went to Iraq when his unit was called.

As a supervisor for an armored tank repair unit with the 10th Cavalry Regiment, 4th Infantry Division, based out of Fort Hood, TX, Clinton had been in Iraq since the start of military operations there. He was stationed at a base in Balad, Iraq, 50 miles south of the Division's headquarters in Tikrit. Military officials reported that Clinton was killed when the sleeping area of his base camp came under mortar fire. He was evacuated to a combat support hospital, where he died from his injuries.

On that day, our Nation lost a great soldier. Teresa lost her husband; Steven and Tabitha lost their father; Denise, Charmele Monica, and Katrina lost their brother; and Dottie lost her son. Dottie says she will always remember Clinton as ''a devoted family man and a devoted military man who was proud to serve his country. He was a good son who was never in trouble. This is the way I want my son to be remembered. He loved his family and he loved his country. I think that's the greatest thing you can say about anybody.''

At the service held in his honor, the Reverend William Williamson delivered a statement from Clinton's wife Teresa, which read, ''Every time there is a smiling child's face in Iraq . . . it's because you made the sacrifice.''

SSG Roger Clinton Turner paid the ultimate sacrifice in the service of our Nation and for the Iraqi people. I know that he will live on in the hearts and minds of all those who had the privilege of knowing him. My wife, Fran, and I continue to keep Clinton's family and friends in our thoughts and prayers.

ARMY SERGEANT BRYAN W. LARGE

Mr. President, today I pay tribute to a courageous soldier in the war on terror, Army SGT Bryan Large of Cuyahoga Falls, OH. Bryan was killed by a roadside bomb in Iraq on October 3, 2005 during his third tour of duty. Having joined the Army after the September 11th terrorist attacks, Bryan served in Afghanistan in 2003 and in Iraq in 2004. A loving father to 14-year-old daughter Devan and 10-year-old daughter Kylie, Bryan is also survived by his mother Linda, father Larry, sister Michelle, and girlfriend Heather Bigalow.

Everyone who knew Bryan emphasized his devotion to his daughters. His Aunt Cybil stressed the many different roles that Bryan fulfilled:

> He was an outstanding soldier, treasured grandson, devoted son and dad; but he was most proud of his role as a father.

Joshua Woods, who was twice deployed with Bryan, said:

> Bryan embodied the principles he preached—love of God, love of family, and love of country. In 25 years, I've never met a man who lived more for his daughters. I've never met a man who lived life as honestly as he did.

Most importantly, his daughters knew how much they were loved by their father. At services after his death, Bryan's 10-year-old daughter Kylie recalled, ''He was a great father and a very good soldier.'' Fourteen-year-old daughter Devan added, ''He loved doing what he did and he loved his daughters.''

A 1992 graduate of Cuyahoga Falls High School, Bryan served as a Sergeant, Paratrooper, and Field Medic with the U.S. Army's 3rd Battalion, 504th Parachute Infantry Regiment, 82nd Airbourne Division. He was 31 years old when he died.

According to Bryan's father Larry, Bryan had his mother's sense of compassion and his father's determination. This combination of qualities served Bryan well in his roll as an Army Field Medic. Bryan's Executive Officer during his second tour in Iraq had this to say about him:

> As the company's senior medic, I was always going to him with issues and to ask for help. It didn't take longer that about 10 seconds for me to realize that he was a man who could make things happen . . . I often think how he would have helped a wounded insurgent without hesitation if the situation had arisen.

Bryan was a selfless individual who always put others ahead of himself. He didn't want his family back home to worry about him and told his mother that he wouldn't be on the front lines and would be okay. Even while he was deployed, he tried to keep the morale high among his fellow service members. Bryan's colleague, Sergeant William Fecke wrote:

> Large was a good man, and I had the pleasure of knowing him. He was the kind of guy you just couldn't forget. His sense of humor helped a lot of us get through the day. He will be missed by all of us.

According to family, Bryan was always willing to try new things. He tried to learn how to cook with his sister Michelle, and his specialty was deep-frying turkeys. In his free time, he enjoyed hunting, fishing, and working on cars.

Fellow soldiers say Bryan often talked about his family and his plans for when he got out of the Army. Sergeant David Bucholz wrote the following on a memorial Web site for Bryan:

> I had the pleasure of knowing Sergeant Bryan Large for the biggest part of my military career. He was appointed as the Platoon Sergeant; and, being the natural leader he was, he excelled in the position. Bryan and I were in EMT–1 school together and we often talked of our plans once getting out of the Army. He wanted to be a firefighter and spend time in North Carolina as a volunteer. He had a knack for connecting with people and helping people. I'll never forget the night when I heard that his vehicle was hit. I think he was a closer friend to all that knew him than we could ever realize.

Bryan also had many close friends and family members back home, which was evidenced by the 800 people who attended his funeral. Hundreds more lined the streets to pay their final respects and either saluted or held their hands over their hearts as the funeral procession rolled by. Bryan's daughter Kylie rolled down her car window during the procession and yelled, ''Thank you! God bless you all! Thank you!''

Reflecting on the outpouring of community support, Cuyahoga Falls Mayor Don Robart said, ''One of our own lost his life for our freedom and liberty. Today is about rallying around this family and honoring that man.'' During the funeral service, Reverend Thomas Woost reflected:

> Today is a day of great pride in who we are as American people, where strangers are standing side by side waving symbols in memory of the man who worked to preserve and protect our country. Today is about freedom, sacrifice, and heroes. Bryan made the ultimate sacrifice for his country. There is no greater love than to die for another.

This past April 2006, Cuyahoga Falls included a memorial service for Bryan in their community Arbor Day celebration. The city planted a Fort McNair horse chestnut tree in memory of him. Bryan's family worked with the city to choose that particular type of tree because of its red blossoms. Bryan's father Larry observed that as the tree grows with the passing years, it will be noticed more and more. ''It's all in Bryan's honor,'' he said. ''He was bigger than life.''

His father described Bryan as ''a wonderful father, a wonderful son, and a true patriot for our country.'' Indeed, Bryan will be remembered as a loving and devoted father, a selfless son, and a compassionate and determined soldier. My wife Fran and I continue to keep the family of Bryan Large in our thoughts and prayers.

OHIO FALLEN HEROES MEMORIAL

Mr. DEWINE. Mr. President, my wife Fran and I recently attended a very moving memorial dedication ceremony in Sunbury, OH, to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan.

These courageous service members—with the many faces of Ohio—came from the smallest villages in our state and from the largest cities. Some came from our farms. Some were born here in Ohio and in America. Others came to this state and this country from many, many miles away. Some were 18 or 19 years old. Some were in their 40s.

Some were Privates and Lance Corporals, while one was a Lieutenant Colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms. Some had seen a lot out of life, while for others—most of them, really—their lives had just begun.

All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gapping whole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all too brief time that we did. And for that, we are eternally grateful.

We, as citizens, will never be able to repay these Ohioans for their service. We know that when we lose a service member, there is a tear in the fabric that holds us all, as Americans, together, and there really is no way to repair that. President Theodore Roosevelt perhaps put it best when he said, ''Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors.''

We are, indeed, in their debt.

I did not personally know any of these men and women we honored in Sunbury at that memorial. I did not personally know any of these men and women who died in Iraq, in Afghanistan, and men and women who I have come to the floor tonight to honor or who I have come to the floor on other nights to honor. But I have spoken with many of their families. I have talked to many of their friends and comrades, and have read a great deal about each one of them. They were all unique—each with their own special story to tell.

One Marine worked as a police officer before going to Iraq. He would bring disco balls into his police cruiser to make his partner laugh and sometimes brought smiley faces into jail to entertain the inmates.

Another Marine was in the high school marching band. During one football game, he forgot his sousaphone and decided to march with the only available instrument in the band room—a banjo.

One soldier's parents remember their son following them around the house at a young age, with his arms out, saying, ''Big hug, big hug.''

Another young man was a delegate to Buckeye Boys' State—a prestigious honor for high school students.

Several enjoyed riding their dirt bikes and fixing up cars. Some played sports. Some were in drama club. Others liked to play games, such as Scrabble.

Many married their high school sweethearts.

All of them made of our lives just a little bit brighter. They made us smile. They filled their loved ones' lives with great joy and happiness.

The recently dedicated memorial in Sunbury, OH, stands as a moving tribute and a lasting testament to these men and women and to their courage, honor, and sacrifice. They have stood tall in the fight against tyranny, aggression, and terrorism.

As John F. Kennedy once said, ''A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers.'' And that—that is exactly what this memorial is all about. It is about honoring and remembering each of these truly unique, wonderful souls.

Our Nation is proud of these Ohio men and women. They lived their lives well—with great purpose and commitment and love of family and country. And for that, we will never forget them.

SERGEANT MAJOR JEFFREY A. MCLOCHLIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from northern Indiana. Jeffrey McLochlin, father of three, died on July 5 in small-arms fire in Orgun-E, Afghanistan. Jeffrey risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A city police officer in Rochester, Jeffrey had been a National Guardsman for 19 years. He was training Afghan soldiers in police tactics and was on patrol with coalition and Afghan forces when he was shot by antigovernment forces. Jeffrey was on his second tour of duty and had previously served his country in 2004 on a NATO peacekeeping mission in Bosnia-Herzegovina. A proud husband and father, he left behind his wife Nicholle and three children, Darby, 16, Connor, 8, and Kennedy, 5. Nicholle told a local paper, ''This man was amazing. There will never be another, that's for sure. Eighteen thousand miles away, and he called me daily when he could. He did everything he could to be a good father and a good husband.'' I stand here today to express my gratitude for Jeffrey's sacrifice and that of his family and loved ones.

Jeffrey was killed while serving his country in Operation Enduring Freedom. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 152nd Infantry Regiment, Army National Guard, Marion, IN. In addition to his wife and children, this brave soldier leaves behind his parents, Rich and Cindy McLochlin of Rochester.

Today, I join Jeffrey's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely working at home and abroad to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jeffrey, a memory that will burn brightly during these continuing days of conflict and grief.

Jeffrey was known for his dedication to his family and his love of country. Today and always, Jeffrey will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jeffrey's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jeffrey's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jeffrey McLochlin in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jeffrey's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeffrey.

ARMY STAFF SERGEANT PAUL S. PABLA

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Paul S. Pabla, 23 years old, was killed on July 3 by sniper fire in Mosul, in northern Iraq. Volunteering for deployment to Iraq, Paul risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Pabla enlisted in the National Guard while still a student at Huntington North High School in Huntington, where he graduated in 2000. Service to others came naturally to Paul, who in high school participated in church

youth mission work in Honduras. In Mosul, he especially enjoyed working with Iraqi children, calling them the ''future of Iraq.'' Pabla was remembered by his senior-year English teacher, who told a local news outlet, ''I think (enlisting) was something he felt really strongly about. Without question, he knew what he was getting into. He was really a young man with a sense of purpose.'' Paul was deployed to Iraq in January of 2006 on his first tour of duty there and had attained the rank of staff sergeant.

Paul was killed while serving his country in Operation Iraqi Freedom. He was assigned to B Battery, 3rd Battalion, 139th Field Artillery Regiment, 38th Infantry Division, Army National Guard, Kempton, IN. This brave soldier leaves behind his mother, Lisa Carroll; his father, Sarvjit Pabla; stepmother, Leticia Pabla; a brother, Neil Pabla; half brother, Nicholas Pabla; as well as numerous other relatives.

Today, I join Paul's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Paul, a memory that will burn brightly during these continuing days of conflict and grief.

Paul was known for his dedication to his family and his love of country. Today and always, Paul will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Paul's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Paul's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Paul S. Pabla in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Paul's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Paul.

AMERICAN CITIZENS IN LEBANON

Ms. STABENOW. Mr. President, I appreciate being able to come to the floor to speak about something of great urgency for people in Michigan and all across our country who have family and friends who are trapped in Lebanon—and certainly people in Israel as well—as a result of what is happening with the violence in the Middle East. We understand those Americans in Israel are able to leave and come home, but we have literally up to 25,000 Americans who are in Lebanon and trapped and unable to leave. They are frightened, and family members here are worried about their families in desperate situations, and they are asking for us to act much more quickly than has been occurring.

It is deeply disconcerting to me as I watched other countries, such as Italy, Spain, Great Britain, and France, on Saturday beginning to evacuate their citizens from Lebanon, taking them to Cyprus or taking them to other places to safety, and yet I understand that even though we have had some helicopters that have gone in—and I am grateful to the Department of State for that because we have families from Michigan who have been evacuated because of medical emergencies—the vast majority of people are waiting for ships.

One ship was supposed to come today. I understand that was delayed, and now they are waiting until tomorrow. And there will be, I understand, two ships—one that will allow 1,400 people to leave, and one that will allow 1,800 people to leave. But we are talking about in Michigan alone over 5,000 people, mostly women and children who have gone to see grandparents, have gone home for weddings, funerals, birthday parties, gone to see grandpa and grandma or elderly, people going home who are frightened and who are in harm's way.

I am deeply concerned that we have not moved more quickly. I have images of people sitting on rooftops in New Orleans waiting to be evacuated, waiting to be rescued, and now we have a similar situation going on with people waiting now 5 days, 6 days to leave a country that is in a war zone.

On top of that, we are now hearing that people who find themselves in a war zone, not of their making, who thought they were going to visit family during their vacation time while the children were off school or for some special event, are going to have to pay. Our Federal Government is requiring them to sign a promissory note to pay to leave to take their families to safety. That makes absolutely no sense.

So I plan to introduce a bill that will give the Secretary of State the authority to waive the reimbursement requirement for U.S. citizens who wish to evacuate Lebanon. The bill would waive the requirement in two cases: if it would create an undue financial hardship for a family or for an individual who is evacuated or if those citizens would be unable to recoup the cost of or reuse or get credit for a previously purchased airline ticket. That is the least we can do given the current situation that is underway.

This would give those who cannot afford thousands in unexpected travel costs an option for help. We cannot abandon American citizens who are currently in a war zone.

I have been in touch with hundreds of people from Michigan. I am proud to have thousands of members of Michigan who are an important part of our community, who have family members and friends trapped in the conflict in the Middle East. Frankly, our Government should be focused on the fastest, the safest way to bring people home, not how much we are going to bill them once they get here.

Let me share a couple of the hundreds of calls we have taken.

Iman Hatoum called her two young children, girls 14 and 7, who were in Lebanon visiting their grandmother when the conflict broke out. She was terrified, of course, for their safety, as anyone would be, and was working to get them out, but she was worried because this promissory note our Government is requiring them to sign would not be able to be signed by a minor. So we were able to help her work through that situation and to move forward. But she was terrified of what was going to happen to her children.

Samar Saad: Her family members—her cousins—were in Lebanon attending a wedding. They were all registered as requested by the Department of State on the Web site. But now one of her cousins was critically injured in the bombings and is in the hospital. We now find the family having to worry about medical bills because they were caught in a bombing and someone is now in a hospital, and they are having to pay for, of course, the physical injuries suffered by their family. We should not be charging them to come home, to come back to America where they will be safe.

Hoda Amine sent this very desperate e-mail to my office:

> Here we are stuck in Beirut, Lebanon, with over 25 family members. We need you and others to contact our gov. locally and nationally to get us out of here. We are all U.S. citizens and tax payers. Let our money be put to good work by saving ''real U.S. citizens who are in desperate need to be saved. We have infants (my granddaughter) and elders (in-laws and friends) who need help desperately.

It goes on to indicate that they have registered with the embassy three times and have been informed to stay put, paying $150 each night at a hotel, and they say they are in a real, real emergency. Help us.

We need to do that. We need to be doing two things. We need to be getting ships there as quickly as possible. They should already have been there. If ships from other countries could be there Saturday or Sunday or Monday—now we are talking about not having something happen until Wednesday—there is no excuse for this.

The U.S. State Department estimates there are approximately 25,000 American citizens currently in Lebanon; 15,000 have registered with the State Department's Lebanon task force to receive evacuation information. We are keeping in constant contact with the task force.

Unfortunately, while we are working through all of this, current law requires that U.S. citizens and others who qualify to be evacuated by the Federal Government sign a promissory note pledging to reimburse the Government for their travel. They are later going to be billed by the State Department for the cost of any air, land, or sea transportation.

I am sure we all can imagine the situation or have family and friends—I have many friends, I have many people with whom I have talked, a friend over the weekend whose wife and young child went to visit family and have tried various roads and avenues to leave and have not been able to do that. People are frightened, people who are American citizens, who are asking us to help quickly and to please not put them in a situation of more financial hardship because they thought they were visiting their family in the summertime or they thought they were going to a beautiful wedding celebration or they were sharing the sorrow of a funeral or visiting grandpa or grandma or schoolchildren going on buses.

A colleague from the other side of the aisle has 300 members of a church community who are in Lebanon right now and have not been able to leave. Surely we can come together on a bipartisan basis. I know there is bipartisan interest in this issue. I am hopeful that we can come together and agree that we ought not to be charging for these people to leave in order to be able to survive with their families. They did not know this was going to happen. They had no idea they were going to be facing this situation. But now they find themselves needing help from their Government to bring them home and to keep them safe. We have a responsibility to make sure innocent people are not losing their lives or concerned about the safety of their children or their family members because of this situation. That is our responsibility, I believe, very strongly.

This situation is frightening enough without people being placed in financial hardship to pay for a ship to Cyprus and then find themselves where their airline ticket doesn't work from Cyprus so they have to buy a whole new ticket, or whatever it takes—thousands of dollars. People are being told that it is anywhere from $3,000 to $5,000 to be able to protect their families and leave. That is just not right.

I really am hopeful—I know colleagues are concerned about this—I am hopeful that this legislation will be strongly embraced and that we can quickly give the Secretary of State the authority. We have been told by legislative counsel they do not now have the authority to waive these costs. So I am hopeful we will give them that authority very quickly and the Secretary of State will then be able, in a humanitarian way, to address a very critical and frightening situation for many Americans right now in Lebanon.

Mr. President, I yield the floor.

A TRIBUTE TO ANNA MAY HAWEKOTTE SMITH

Mr. DURBIN. Mr. President, I rise today to pay tribute to a remarkable and compassionate woman. Anna May Hawekotte Smith fought tirelessly for underdogs of every sort throughout a professional career hat lasted more than 50 years. She passed away on July 5 at the rich age of 90.

In 1950, at the age of 35, while pregnant with her fourth child, Anna May suffered a crippling stroke. She was left paralyzed, forced to relearn such basic functions as walking and talking. Through perseverance, Anna May recovered. While a limp and leg brace remained the only physical suggestions of her former impairment, the experience left a lasting impression on Anna May. For the next 55 years, she used her extraordinary empathy, skills, and determination to help others and to advance many worthy causes.

Over the course of her lifetime, Anna May Hawekotte Smith served many roles—educator, administrator, advocate of social justice, champion of women's rights, wife, and mother. She attended Barat College in Lake Forest, IL. After graduating in 1938, Anna May obtained a master's degree in speech education from Columbia University in New York. She continued her graduate work in speech at Northwestern University in Evanston, IL, and interned with doctors at the University of Illinois Neuropsychiatric Clinic. Anna May Hawekotte Smith began her professional career as a professor at Barat College. She was soon promoted to chairman of the college's speech and drama department. During her tenure at Barat, she broadcast the first live women's radio talk show to spotlight issues related social justice and the advancement of women.

In 1966, she helped develop a program at Barat to help high school girls from low-income families in Chicago and Lake County to prepare for college. The Upward Bound Program, as it was called, ran for 8 years and assisted hundreds of young women.

It was also during her time at Barat that Anna May met her future husband, Charles Caroll Smith. Charles was executive director of the Catholic Youth Organization of Chicago and the administrative assistant to the late Archbishop Bernard J. Sheil. The pair wed in 1941 and raised three children together.

Anna May Hawekotte Smith was a woman of active faith. That was evident in her work on behalf of the Catholic Church, as well as in her calm acceptance of the hand of God in her own life. Anna May Hawekotte Smith did not fear change; she embraced it as an adventure and God's will for her. Her daughter, Sheila Smith, said her mother was never afraid of seeing one door close because she trusted God would open a new door. Sheila remembers a couple of years ago, when Anna May learned that Barat College would be closing its doors. She didn't express anger or frustration. Instead, she told her daughter that it was time to focus on a new venture: the Barat Education Foundation. The foundation, created in 2000, would carry on the legacy of the school where she had spent so many years.

In 1969, Anna May's husband Charles passed away. Sheila remembers an evening shortly after her father died. She was sitting in the kitchen with her mother when Frank Sinatra's classic song, ''My Way'' came on the radio. Anna May told her daughter that, though she had been comfortable in her life, she had often done what was expected of her and what other people wanted. Widowed now, at the age of 54, she was free to make her own decisions, to live her life her way.

Anna May accepted a teaching position at Sangamon State University, now the University of Illinois Springfield, in 1973 and remained a member of the university faculty until her retirement in 1985. Today, a scholarship in her name recognizes Anna May's commitment to the advancement of women.

Following her retirement, Anna May moved back to Chicago, where she became assistant director for job development programs at the Northern Illinois National Multiple Sclerosis Society. Throughout her life, she also supported social justice causes ranging from civil rights to women's rights.

Mr. President, this Friday, July 21, on what would have been Anna May's 91st birthday, her friends and family will gather at a memorial service at Barat College Chapel to remember and honor this remarkable woman. In the words of her family, Anna May Hawekotte Smith was more than a lifelong learner, she was a lifelong doer. All of us who knew her recall her not only with fondness but with great admiration.

Our thoughts and prayers are with all of those whom she loved and who loved her, especially her children, Charles Smith, Sheila Smith, and Catherine Smith Wilson; her two brothers; and her six grandchildren.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to

the floor to highlight a separate hate crime that has occurred in our country.

On July 15, 2006, in Chicago, IL, a gay man was attacked by Marquell Shepard after leaving a local bar. Shepard approached the man, berating him with sexually derogatory slurs. Shepard then physically assaulted him and fled the scene. He was soon picked up by police and charged with a felony hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SPACE SHUTTLE ''DISCOVERY'' STS–121 MISSION

Mr. NELSON of Florida. Mr. President, yesterday, July 17, 2006, marked the successful conclusion of the STS–121 space shuttle *Discovery* mission with its safe landing at the Kennedy Space Center in Florida. This 13-day mission was the 115th shuttle mission and the 18th to visit the International Space Station. STS–121 satisfied its ''return to flight'' objectives by flight testing improvements to the shuttle and testing on-orbit shuttle repair procedures. This flight provided more than 28,000 pounds of equipment and supplies to the space station and enabled its number of occupants to grow to three. STS–121 included three important spacewalks and laid the groundwork for the continued assembly, and ultimately doubling in size, of the space station.

I applaud the bravery, expertise, and accomplishments of the STS–121 crew—Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Thomas Reiter, Piers Sellers, and Stephanie Wilson. This successful mission is a testament to the thousands of people who work on the space shuttle and space station programs.

Mr. President, we must continue with our plans to fly the space shuttle in order to complete the construction of the International Space Station. Equally important, we must work together to preserve the workforce that will soon become the backbone of the new crew exploration vehicle and the next human space project.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, more than 2 months ago I joined the Chairmen of both the Senate and House Judiciary Committees, the ranking member of the House Judiciary Committee, the Democratic and Republican leaders of both the Senate and the House of Representatives, and Members of Congress from both parties to introduce a bill to reauthorize and reinvigorate the temporary provisions of the Voting Rights Act of 1965. The bicameral, bipartisan introduction of this bill reflects not only its historic importance as a guarantor of the right to vote for all Americans, but also the broad consensus that the expiring provisions must be extended this year without delay. Unfortunately, we in the Senate have been delayed in getting this bill to the Senate floor by repeated cancellations and postponements of committee hearings and markups. The bill was also delayed in the House of Representatives for a month by a small group of opponents. Fortunately, the House was able to pass this legislation last week with 390 Members voting in favor. Now it is time for the Senate to do its part and pass this bill.

At my request, the chairman of the Senate Judiciary Committee has agreed to hold a special executive business session of the committee so that after a month of delay we can report out the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I hope that this vital civil rights legislation will be ready for full Senate consideration without further delay and that we can proceed with deliberate speed to pass the House-passed bill so that it may become law before Congress takes its summer vacation.

The U.S. Constitution specifically provides that Congress has the power to remedy discrimination under both the fourteenth and the fifteenth amendments. Over the course of nine Judiciary Committee hearings we received testimony from a range of constitutional scholars, voting rights advocates, and Supreme Court practitioners. There was agreement among these witnesses that Congress is at the height of its powers when giving enforceable meaning to these amendments by enacting laws that address racial discrimination in connection with voting. The fourteenth and fifteenth amendments have not changed. As long as these amendments are in our Constitution, Congress has the authority to enforce them, especially on matters of racial discrimination in connection with the right to vote. These are matters of fundamental importance.

The Senate Judiciary Committee held several hearings this year on the continuing need for the provision of the Voting Rights Act that requires covered jurisdictions to ''pre-clear'' all voting changes before they go into effect. This provision has been a tremendous source of protection for the voting rights of those long discriminated against and also a great deterrent against discriminatory efforts cropping up anew. Some academic witnesses suggested in their committee testimony that section 5 should be a victim of its success. In my view, abandoning a successful deterrent just because it works defies logic and common sense. Why risk losing the gains we have made? When this Congress finds an effective and constitutional way to prevent violations of the fundamental right to vote, we should preserve it. Now is no time for backsliding.

Since section 5 of the Voting Rights Act was first enacted in 1965 and last reauthorized in 1982, the country has made tremendous progress in combating racial discrimination. Certain jurisdictions disregarded the fifteenth amendment for almost 100 years and had a history of pervasive discriminatory practices that resisted attempts at redress from the passage of the fifteenth amendment in 1870 to the passage of the Voting Rights Act in 1965. Section 5 is intended to be a remedy for violations of the fourteenth and fifteenth amendments, in place for as long as necessary to enforce those amendments and eliminate practices denying or abridging the rights of minorities to participate in the political process. In fact, due in large measure to the remedies provided in the VRA, many voters in jurisdictions covered for the purposes of section 5 have gained the effective exercise of their right to vote.

However, based on the record established in hearings before the Senate Judiciary Committee and the Subcommittee on Constitution, Civil Rights, and Property Rights, which builds on the extensive record established in the House of Representatives, there remains a compelling need for section 5. The Judiciary Committee received three categories of evidence supporting the continuation of this remedy. First, there is evidence that even with section 5 in place, covered jurisdictions have continued to engage in discriminatory tactics. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution, which relies on racially polarized voting to deny the effectiveness of the votes cast by members of a particular race. Second, there is evidence of the effectiveness of section 5 as a deterrent against bad practices in covered jurisdictions. Finally, there is evidence of the prophylactic effect of section 5, preserving the gains that have been achieved against the risk of backsliding.

Today, I would like to provide some of the evidence received in the Judiciary Committee about the persistence of discriminatory practices in covered jurisdictions that supports reauthorization of this crucial provision.

The robust record compiled in the Senate Judiciary Committee includes voluminous evidence of recurring discrimination in section 5 covered jurisdictions. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution and redistricting to deny the effectiveness of the votes cast by members of a particular race. Notably, many jurisdictions are repeat offenders, continuing a pattern of persistent resistance dating back to the enactment of the VRA. Debo P. Adegbile, Associate

Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., testified about some examples of the types of evidence in the record:

The Record before this Congress presents continued evidence of such violations, and highlights the necessity for continued review of voting changes to protect minority voters in covered jurisdictions. For example, since the VRA's 1982 renewal, violations of minority voting rights have taken the form of last minute election date or polling place changes, discrimination at the polls, and familiar dilutive tactics of ''cracking'' and ''packing'' minority voting districts.

Objections to voting changes interposed by DOJ are one category of evidence relevant to the persistence of discrimination in covered jurisdictions. Although several witnesses pointed to a recent reduction in VRA objections as a reason to oppose extension of section 5, in fact there have been more objections in covered jurisdictions since the last reauthorization in 1982—608—than there were before that reauthorization, including 80 statewide section 5 objections. However, these objections only reveal a chapter of a much longer story. Mr. Adegbile also testified:

Although many VRA opponents and commentators point to a recent reduction in DOJ objections as evidence of the decreasing need for Section 5—this analysis oversimplifies the many ways in which the law serves to protect minority voters. Excluded from the category of objection statistics are other categories of deterred and rejected voting changes. These include matters that were denied preclearance by the Washington D.C. District Court; matters that were settled while pending before that court; voting changes that were withdrawn, altered or abandoned after the DOJ made formal More Information Requests, MIRs; as well as any recognition that the very existence of preclearance deters discriminatory voting changes in the first place. Taken together, these categories provide a more holistic view of the sizeable impact, deterrent effect, and continued need for section 5's provisions. Moreover, without the section 5 preclearance provisions many jurisdictions that have experienced a long history of exclusionary practices in voting would have lacked the incentive to tailor their electoral changes in a non-discriminatory fashion. Even with section 5 in place, many covered jurisdictions made voting changes that disadvantaged minority voters without preclearing them with the DOJ.

This is the Testimony of Debo P. Adegbile, Associate Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., before the United States Senate Judiciary Subcommittee on the Constitution, June 21, 2006, citing generally Luis Ricardo Fraga & Maria Lizet Ocampo, More Information Requests and the Deterrent Effect of section 5 of the Voting Rights Act, June 7, 2006—unpublished essay, submitted to Senate Judiciary Committee on June 9, 2006.

The following are only a small set of examples from the robust record compiled in the Senate Judiciary Committee:

VOTE SUPPRESSION

Through the use of illegal devices, State and local officials in covered jurisdictions have suppressed the ability of minority voters to effectively exercise their right to vote.

In 2001, Kilmichael, Mississippi's white mayor and all white five-member Board of Alderman abruptly cancelled an election after census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. Even after DOJ objected, concluding that the cancellation was an attempt to suppress the African-American candidates, the mayor and board did not reschedule the election. Only after DOJ forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American alderman. This is from Caroline Fredrickson and Deborah J. Vagins, Promises to Keep: The Impact of the Voting Rights Act, March 2006, at 12.

In March, 2004, in Prairie View, Texas, home to historically black Prairie View A&M University, two students decided to run for the local governing body. The white criminal district attorney threatened that any student who voted in the election would face felony prosecution for ''illegal voting'' and only withdrew his statements when the NAACP filed suit. Shortly thereafter, the Commissioner's Court voted to reduce the availability of early voting at the polling place closest to the college from 17 hours over two days, to 6 hours on one day. This would have severely limited the students' political participation, as most planned to take advantage of early voting since their spring break coincided with the primary date. The county did not restore the voting hours until the NAACP filed a section 5 enforcement suit. This is from Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 65–66.

In a 2004 opinion invalidating South Dakota's redistricting plan, a Federal district judge documented the State's long history of discrimination, including persistent efforts to suppress the Native American vote since 1999. The judge documented illegal denials of the right to vote in certain elections, barriers to voter registration, intimidation and unsubstantiated charges of vote fraud, lack of access to polling sites, non-compliance with the Voting Rights Act's language assistance provision, and dilutive voting schemes. The opinion also quoted legislators expressing prejudice against Indians. For example, when debating an unsuccessful bill to make it easier for Indians to register, one legislator said, ''I'm not sure we want that kind of person in the polling place.'' This is from National Commission on the Voting Rights Act, ''Protecting Minority Voters: The Voting Rights Act at Work 1982–2005'' February 2006 at 44.

The Mayor of the Town of North Johns, AL intentionally discriminated against African-American candidates for city council when he frustrated the attempts of these candidates to acquire the required forms for their candidacy and refused to swear them in when they won their elections. The court found that the mayor acted to undermine the candidacy of two African-American men because their election would result in the town council becoming majority black. This is from Dillard v. North Johns, 717 F. Supp. 1471, M.D. Ala. 1989.

DISCRIMINATORY REDISTRICTING

Due to racially polarized voting, the reality in many jurisdictions is that the ability of minorities to have the opportunity to elect their candidate of choice is often dependent on the racial composition of a voting district. Consequently, the seemingly neutral task of drawing district lines can, in fact, be used strategically to abridge minorities' right to vote using techniques called ''packing'' where a very large percentage of minorities are placed in a single district and thereby denying them influence except in that one jurisdiction, or the obverse ''unpacking,'' which fragments minority communities into numerous jurisdictions, denying them influence anywhere.

The impact of racially polarized voting is significant. In the 2000 elections, only 8 percent of African Americans were elected from majority white districts. This is from National Commission on the Voting Rights Act, ''Protecting Minority Voters: The Voting Rights Act at Work 1982–2005'' February 2006 at 38. As of 2000, neither Hispanics nor Native Americans candidates had been elected to office from a majority white district. Id. This is true throughout covered jurisdictions. Every African-American representative currently holding office in Congress from Louisiana, or in the Louisiana State Legislature, has been elected from a majority African-American district. This is from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 9. In Mississippi, the State with the highest percentage African-American population, not a single African-American candidate has won election to Congress or the state legislature from a majority-white district, and no African-American candidate has won a statewide office in the 20th Century. This is from Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 13.

After failing to redistrict for over two decades, following the 1980 and 1990 census, the city of Seguin, Texas was 60 percent Hispanic, yet only 3 out of 9 city council members were Hispanic. After a successful section 5 challenge by Hispanic plaintiffs, the city redrew its discriminatory districts in 1994 and again following the 2000 census, but cut short the filing deadlines for the upcoming elections, ensuring that the white incumbent would run unopposed. Another section 5 suit was necessary to prevent this change, called by some merely de minimis even though it determined the election's outcome, from going into effect. This is Testimony of John Trasvina, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund MALDEF, before the United States Senate Judiciary Committee, June 13, 2006, at 4.

At a 2001 section 2 hearing, while testifying in defense of the St. Bernard Parish School Board's illegal plan to eliminate its only African-American district, Louisiana State Senator Lynn Dean, the highest ranking public official in St. Bernard Parish, admitted that he uses a term considered by many to be a derogatory, even offensive, word in referring to African Americans, had done so recently, and does not necessarily consider it a racial term. Dean had served on the school board for 10 years. This is from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2005,'' RenewTheVRA.org at 26.

In the post-1990 redistricting cycle, the Department of Justice objected to Georgia's Senate redistricting bill twice and to Georgia's House redistricting bill three times. The newly adopted plans were then challenged by litigation in which the state admitted to constitutional violations. After

losing the lawsuit, the state claimed to remedy the problem. However, its newly adopted plans reduced the black populations of numerous districts, thereby drawing DOJ objections to both plans yet again in March 1996. This is from Robert Kengle, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 14.

The 2001 legislative redistricting plan in South Dakota, which divided the State into thirty-five legislative districts, altered the boundaries of District 27, which included Shannon and Todd Counties, so that American Indians comprised 90 percent of the district, while the district was one of the most overpopulated in the State. Had American Indians not been ''packed'' in District 27, they could have comprised a majority in a house district in adjacent District 26. South Dakota refused to submit the plan for preclearance, leading Alfred Bone Shirt and three other residents from Districts 26 and 27 to sue the State in December 2001. The plaintiffs claimed that South Dakota failed to submit its plan for pre-clearance and also that the plan unnecessarily packed Indian voters in violation of section 2. A 3-judge court ordered the state to seek pre-clearance and the Attorney General pre-cleared it, concluding that the additional packing of Indians in District 27 did not have a retrogressive effect. However, the district court, sitting as a single-judge court, heard the plaintiffs' section 2 claim and invalidated the State's 2001 legislative plan as diluting American Indian voting strength, finding that there was ''substantial evidence that South Dakota officially excluded Indians from voting and holding office.'' This is from Bone Shirt v. Hazeltine, 200 F. Supp. 2d 1150, 1154 D.S.D. 2002.

In 2001, the Louisiana State Legislature sought judicial pre-clearance of its statewide redistricting plan for the Louisiana House of Representatives, which eliminated a majority African-American district in Orleans Parish. According to the legislators that drew that plan, the district was eliminated because white voters in Orleans Parish were entitled to ''proportional representation,'' despite significant population growth among African-Americans in Orleans Parish over the course of the prior decade. Although the legislators ultimately dropped their selective ''proportional representation'' argument, the court found that the state ''blatantly violate[ed] important procedural rules'' through its litigation tactics and condemned the state for its ''radical mid-course revision in [its legal] theory of the case.'' The evidence, obtained over plaintiffs' resistance via a motion to compel, showed significant levels of racially-polarized voting in virtually all electoral contests, as well as retrogressive purpose and effect in the adoption of the plan. The evidence also showed that the Speaker Pro Tempore, who was a plaintiff in the action, removed long-standing language from the State's redistricting guidelines that acknowledged the State's obligations under the VRA at the start of the line drawing cycle. The litigation resulted in a settlement on the eve of trial that restored the opportunity district in Orleans Parish. The 2001 Louisiana House redistricting plan followed the standard practice in Louisiana as no initial redistricting plan for the Louisiana House of Representatives has ever been pre-cleared by DOJ since the inception of Voting Rights Act in 1965. This is Testimony of Richard Engstrom before the House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, October 25, 2005. This is also Debo P. Adegbile, Voting Rights in Louisiana, 1982–2006, at 16.

After finding Point Coupee Parish, Louisiana's redistricting plans retrogressive, the Department of Justice objected 3 decades in a row: in 1983, 1992, and 2002. After the first 2 census cycles, the parish attempted to pack minority voters into a single district while fragmenting the remaining African-Americans into majority-white districts. In 2002, without explanation, the parish eliminated one majority African-American district, despite an increase in the African-American population of the parish. Unfortunately, the experience in Point Coupee Parish is typical in Louisiana: ''[b]etween 1982 and 2003, 10 other parishes were ''repeat offenders,'' and 13 times the DOJ noted that local authorities were merely resubmitting objected-to proposals with cosmetic or no changes.'' This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 27.

In 1983, African-American legislators were excluded from legislative sessions held to develop Louisiana's post-census redistricting plan after negotiations stalled. The governor had threatened to veto a proposed plan that would create one African-American majority district and the Senate rejected the governor's plan to create all white majority districts. In the absence of minority legislators, a compromise—Act 20—was reached that sacrificed the majority-minority district despite the fact that—after a marked increase in the previous decade—the highly-concentrated African-American population now made up 48.9 percent of the voting age population in Orleans Parish. Act 20 was struck down by a 1982 section 2 case. The remedied district led to the election of Louisiana's first African-American congressman since reconstruction. This is also from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 16.

In 1991 and 1992, the Morehouse Parish, Louisiana, Police Jury drew district lines in an attempt to pack African-American voters in the city of Bastrop multiple times in defiance of DOJ objections. After a 1991 section 5 objection to its attempt to draw the same districting plan several times the Morehouse Parish Police Jury made cosmetic changes and resubmitted the same plan. After DOJ lodged another objection, the police jury resubmitted the same plan with only cosmetic changes. Only after DOJ objected a third time in 1992 did the police jury address the substance of the first objection and draw district lines that did not result in an over-concentration of African-American voters.

In 2006, election officials in Randolph County, Georgia, moved the board of education district lines to include Henry Cook, the African-American chair of the board of education, from District Five of the county board of education, which is majority black, to District Four, which is majority white. In District Four, Cook would almost certainly be defeated given the prevalence of racial bloc voting in the county, depriving the African-American community of an incumbent elected official who had their strong support in past elections. Although Randolph County was covered by section 5, county officials refused to submit the change for pre-clearance. African-American residents of the county filed suit on April 17, 2006, to enjoin use of the change absent pre-clearance. On June 5, 2006, the 3-judge court issued an order enjoining further use of the voting change because of failure to comply with section 5.

In 1991, Mississippi legislators rejected proposed House and Senate redistricting plans that would have given African-American voters greater opportunity to elect representatives of their choice, referring to one such alternative on the House floor as the ''black plan'' and privately as ''the n–plan.'' DOJ objected, concluding that a racially discriminatory purpose was at play. In the 1992 elections, the cured redistricting plans boosted the percentage of African-American representatives in the legislature to an all time high: 27 percent of the House and 19 percent of the Senate—up from 13 percent and 4 percent respectively in a state where 33 percent of the voting age population is African-American. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 9–10.

In late 2001, Northampton County, VA proposed a change in the method of electing the board of supervisors by collapsing six districts into three larger districts. The DOJ objected, finding that three of the six districts were majority-minority districts in which African-American voters regularly elected their candidates of choice. The new plan would have diluted the minority-majorities and caused them to completely disappear in 2 of the 3 new districts—clearly having retrogressive effects. Two years later, the county provided a new 6-district plan, which had the same retrogressive effects of the 3-district plan. DOJ objected and provided a model non-retrogressive, 6-district plan, which has yet to be followed by the county. This from Anita S. Earls, Kara Millonzi, Oni Seliski, and Torrey Dixon, ''Voting Rights in Virginia, 1982–2006,'' RenewTheVRA.org at 27–28.

In 1989, in section 2 suit, a Federal district court knocked down Chickasaw County, Mississippi, illegal plan to have all majority-white supervisors' districts. Sent back to the drawing board, the county then passed 3 different plans over the next 6 years. Not one passed section 5 pre-clearance. Finally, the Federal court drew its own plan for the 1995 elections, providing for 2 majority-black districts to reflect a population that was nearly 40 percent black. Only then did the county adopt a plan that met no objection by the Department of Justice. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 6.

In 1992, DOJ objected to a Justice of the Peace and Constable redistricting plan in Galveston County, Texas, that fractured geographically compact African-American and Hispanic voters and provided no opportunity districts among the 8 districts in the plan, even though African Americans and Hispanic comprised 31 percent of the county's population. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, ''Voting Rights in Texas, 1982–2006'', RenewTheVRA.org, at 17–18.

In 1992, DOJ objected to the Terrell County Commissioners Court redistricting plan. Although the Hispanic population in the county had increased from 43 percent to 53 percent, the proposed redistricting plan cracked the Hispanic population by substantially decreasing the number of Hispanic voters in one of the two Hispanic majority districts and packing them into the other to create a district with an 83 percent Hispanic district. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, ''Voting Rights in Texas, 1982–2006,'' RenewTheVRA.org, at 19.

In 2005, DOJ objected to the redistricting plan for the Town of Delhi, LA, which eliminated an African-American opportunity district, rejected an alternative plan which would have been better for minority voters, and was adopted with the intent to worsen the position of minority voters. According to the 2000 Census, Delhi's population was majority African-American, yet local officials attempted to reduce minority voting strength in the town. DOJ denied pre-clearance after determining that town officials sought to worsen the position of minority voters by looking first to the historical background of the city's decision, which revealed that the plan was adopted despite steadily increasing growth in the town's African-American population. In its April 25, 2005, objection letter, DOJ stated, ''[w]ithout

question, Black voters are worse off under the proposed plan,'' which was adopted despite the counsel of the Town's demographer, who noted the retrogressive effect of the plan. This is from a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to Mr. David Creed, Executive Director, North Delta Regional Planning and Development District, April 25, 2005.

In 1992, the Department of Justice objected to Florida's redistricting plan for the State Senate, observing that ''[w]ith regard to the Hillsborough County area, the State has chosen to draw its senatorial districts such that there are no districts in which minority persons constitute a majority of the voting age population. To accomplish this result, the State chose to divide the politically cohesive minority populations in the Tampa and St. Petersburg areas.'' This is from JoNel Newman, ''Voting Rights in Florida, 1982–2006'', RenewTheVRA.org, at 9.

The Department of Justice interposed an objection to the 2002 redistricting plan for the Florida House of Representatives, stating that the plan reduced ''the ability of Collier County Hispanic voters to elect their candidate of choice [and] the drop in Hispanic population in the proposed district would make it impossible for these Hispanic voters to continue to do so.'' As a result of the Department's Section 5 objection to the 2002 reapportionment plan, Hispanic majority-minority district was preserved in Collier County. This is JoNel Newman, ''Voting Rights in Florida, 1982–2006,'' RenewTheVRA.org, at 10.

In 2002, the Department of Justice objected to Arizona's state legislative redistricting plan because it fractured Hispanic voters and reduced Hispanic voting age population in 5 districts below their 1994 benchmarks, despite the growth of the State's Hispanic population and the ability to draw three compact majority-Hispanic districts. The State court responded by accepting an interim plan recommended by a Special Master that restored one district to its benchmark level and created 2 new Hispanic-majority districts in metropolitan Phoenix to replace some of the other four majority Hispanic-majority districts that had been eliminated.

In 1991, Hispanic plaintiffs and Monterrey County, California, which was 33.6 percent Hispanic, reached a settlement plan which, unlike Monterrey's initial plan, did not dilute the vote of the county's Hispanic population. However, after voters struck down the county's redistricting plan in a required referendum petition, the county issued a new plan to which the Justice Department objected under section 5, stating that the County's plan ''. . . appears deliberately to sacrifice Federal redistricting requirements, including a fair recognition of Hispanic voting strength, in order to advance the political interests of the non-minority residents of northern Monterey County.'' Subsequently, the district court adopted the plaintiffs' plan. As a result of the implementation of the plaintiffs' plan, a Hispanic was elected to the Board of Supervisors for the first time in over 100 years. This is Gonzalez v. Monterey County 808 F.Supp. 727, 729 (N.D. Cal. 1992); Joaquin G. Avila, California State Report on Voting Discrimination (forthcoming May 25, 2006, manuscript at 9.

After the 1990 census, Merced County, CA, adopted a redistricting plan that ignored the presence of its growing Hispanic population which at the time constituted 32.6 percent. In doing so, the county disregarded its demographer's recommendation to create a supervisor district with a Hispanic majority and instead chose a plan that fragmented the county's Hispanic population. The Justice Department issued an objection rejecting the county's redistricting plan because the plan fragmented the Hispanic population. Following the objection, the county created a new redistricting plan that both avoided the fragmentation of the county's Hispanic population and created a supervisory district with a Hispanic majority. The plan was later approved and a Hispanic Supervisor elected. This is Joaquin G. Avila, California State Report on Voting Discrimination, forthcoming May 25, 2006, manuscript at 11.

DISCRIMINATORY POLLING PLACE CHANGES

Another method used in covered jurisdictions to deny minorities the right to vote has been to move or even eliminate polling places, often without notice. Moving a polling place can appear to have little impact or importance, but the record demonstrates that these changes have been used systematically to deny minorities their constitutional right to vote by injecting intimidation and confusion into the electoral process.

Some have cited polling place changes as ''de minimis'' changes for which there should be an exception to section 5 pre-clearance. However, making such an exeception could lead to substantial violations of minority voting rights. As Robert McDuff, a civil rights attorney in Mississippi who has worked on preclearance testified, ''polling place changes can be retrogressive and should not be dismissed as per se de minimis. With section 5 preclearance requests the context is critical and DOJ has an expertise in assessing the context.'' Robert McDuff, Answers to Written Questions from Senator Coburn. The following examples demonstrate that far from being ''de minimis,'' polling place changes can be one of the most effective means of denying minorities the right to vote.

In 1992, the Attorney General objected to a proposal by the Wrightsville, GA, to relocate the polling place from the county courthouse to the American Legion Hall, an all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. This is Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 333, 334.

In 1995, Jenkins Parish, LA, attempted to relocate a polling place from a predominately black community easily accessible to many voters by foot to a location outside the city limits in a predominately white neighborhood which had no sidewalks, curving roads, and a speed limit of 55 mph. The Attorney General rejected the change, concluding, ''the county's proffered reasons for the selection of this particular polling site appear to be pretextual, as the selection of this location appears to be designed, in part, to thwart recent black political participation.'' This is Deval L. Patrick, Assistant Attorney General, to William E. Woodrum, Jenkins County Attorney, March 20, 1995.

In 1985, the Apache County Board of Supervisors proposed to eliminate the last remaining polling place on Arizona's Fort Apache Reservation, reduce the daily hours of operation for those voting stations that remained open, and implement a rotating polling place system that would make it even harder for Navajo voters to reach the polls. Yet, absentee voting opportunities were not provided to Indian voters. Pointing to the clear discriminatory purpose and effect of the proposed changes, the Department of Justice objected. This is James Thomas Tucker and Rodolfo Espino, ''Voting Rights in Arizona 1982–2006,'' RenewtheVRA.org, 46, 2006.

In 1994, after receiving word that whites were uncomfortable walking into an African-American neighborhood to vote at the Sunset Community Center, the St. Landry Parish, LA, Police Jury moved the polling place to the Sunset Town Hall, the site of historical racial discrimination. The police jury did not hold a public hearing, seek any further input, or advertise the change in any way. If not for the section 5 pre-clearance process, minority voters would not have known of the change until Election Day. This is Debo P. Adegbile, ''Voting Rights in Louisiana, 1982–2006,'' RenewtheVRA.org, at 31.

In 1999, after the Davills Precinct polling center burned down and the County Board of Supervisors of Dinwiddie County, Virginia, moved the polling place to the Cut Bank Hunt Club, privately owned with a large African-American membership, one hundred and five citizens submitted their signatures to have the precinct moved to the Mansons United Methodist Church, located three miles southeast of the Hunt Club. The petition's stated purpose for moving the precinct was for a ''more central location.'' Before the board's meeting to discuss moving the polling place, the Mansons United Methodist Church withdrew its name as a possible location. The board then placed an advertisement for a public hearing on changing the polling place which stated that if any ''suitable centrally located location [could] be found prior to July 15, 1999,'' they would consider moving it there. On July 12, 1999, the Bott Memorial Presbyterian Church members offered their facilities for polling. On August 4, 1999, the board approved changing the polling place to Bott Memorial Presbyterian Church. The church is located at the extreme east end of the precinct, however, and 1990 Census data showed that a significant portion of the black population resides in the western end of the precinct.

DOJ objected to the change, finding that the polling place was moved for discriminatory reasons. This is a Letter from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, U.S. DOJ., to Benjamin W. Emerson of Sands, Anderson, Marks & Miller, October 27, 1999.

METHODS OF ELECTIONS

Officials have used their authority to set the methods of elections as ways to abridge or even deny the ability of minority citizens to vote and elect candidates of their choice. The following are examples of the use of at-large election systems, dual registration systems and other methods since the last reauthorization of section 5.

In 1995, the State of Mississippi resurrected a form of the dual registration system, which a Federal district court had struck down less than a decade earlier as racially discriminatory in intent and effect. Mississippi then refused to submit its voting procedures for pre-clearance until ordered to do so by the U.S. Supreme Court. Under the unlawful system, voters who registered pursuant to the National Voter Registration Act, NVRA, would only be eligible to vote in federal elections, but not in State and local elections. The majority of voters registered under the NVRA were African-American. In addition, while one state department provided its mostly-African-American public assistance clientele with only the NVRA registration forms, another department registered its mostly-white driver's license applicants through the state forms, which enabled them to vote in all elections. In its objection letter, DOJ noted the state had merely breathed new life into the dual registration system originally enacted by Mississippi in the 19th Century with an aim to eliminate the African-American vote. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 16.

In 1992, Effingham County, Georgia proposed an at-large election system despite anticipating that, due to racially polarized voting, after the change, African-Americans would no longer be able to elect the commissioner who would serve as chairperson. This decision came on the heels of the county's decision to eliminate the position of vice-chairperson, long held by an African-American commissioner. The county's justification for the change—that the proposed system would avoid tie votes in the selection of a chairperson—was tenuous at best because under the new system, an even number of commissioners would invite tie votes to a greater extent than the existing system. This is Robert Kengle, ''Voting Rights in Georgia: 1982–2006,'' RenewTheVRA.org at 9–10.

Ten years after a successful lawsuit that forced the adoption of single-member districts in the city of Freeport, TX, minority candidates had gained two seats on the city council. The City then sought to revert to at-large elections, garnering an objection from the Department of Justice. Similarly, the Haskill Consolidated Independent School District sought to revert to at-large voting after significant gains by minority populations.

After the Washington Parish, Louisiana, School Board finally added a second majority-African American district in 1993, bringing the total to 2 out of 8, representing an African American population of 32 percent, it immediately created a new at-large seat to ensure that no white incumbent would lose his or her seat and to reduce the impact of the two African American members, to 2 out of 9. The Department of Justice objected to this change. (See Letter from James P. Turner, Assistant Attorney General, Civil Rights Division, U.S. DOJ, to Sherri Marcus Morris, Assistant Attorney General, State of Louisiana, and Jerald N. Jones, City of Shreveport, September 11, 1995, cited in Debo Adegbile, Voting Rights in Louisiana: 1982–2006, February 2006, at 21.)

A Federal district court found that the at-large method of electing the nine member Charleston County Council in South Carolina violated section 2 of the Voting Rights Act. In particular, the court found evidence of white bloc voting and concluded that in 10 general elections involving African-American candidates, ''white and minority voters were polarized 100 percent of the time.'' The court also noted that there was a history of discrimination that hindered the present ability of minority voters to participate in the political process; significant socio-economic disparities along racial lines; a negligible history of African-American electoral success; and significant evidence of intimidation and harassment of African-American voters at the polls. Following the court's decision, which was affirmed on appeal, a single-member district plan was put in place with four majority African-American districts that eventually led to the election of four African Americans to the County Council. This is Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 591–592.

In 2005, a three-judge Federal court enjoined the city of McComb, MS, from enforcing a State court order it had obtained that removed an African-American member of that city's board of selectmen from his seat by changing the requirements for holding that office, holding that the order clearly altered the pre-existing practice. The court ordered the selectman restored to his office and enjoined the city from enforcing the change unless preclearance was obtained. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 8.

In 1991 the Concordia Parish Police Jury in Louisiana announced that it would reduce its size from 9 seats to 7, with the intended consequence of eliminating one African-American district, claiming the reduction was necessary as a cost-saving measure. However, DOJ noted in its objection that the parish had seen no need to save money by eliminating districts until an influx of African-American residents transformed the district in question from a majority-white district into a majority African-American district. This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 24.

ANNEXATIONS

The following are examples from the record where jurisdictions changed their boundaries in order to diminish the voting power of minorities by selectively changing the racial composition of a district. Numerous jurisdictions have annexed neighboring white suburbs in order to preserve white majorities or electoral power.

In 1990, the city of Monroe, LA attempted to annex white suburban wards to its city court jurisdiction. In its objection, DOJ noted that the wards in question had been eligible for annexation since 1970, but that there had been no interest in annexing them until just after the first-ever African-American candidate ran for Monroe city court. This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 24.

Pleasant Grove, Alabama was an all-white city with a long history of discrimination, located in an otherwise racially mixed part of Alabama. The city sought pre-clearance for two annexations, one for an area of white residents who wanted to attend the all-white Pleasant Grove school district instead of the desegregated Jefferson County school district, the other for a parcel of land that was uninhabited at the time but where the city planned to build upper income housing that would likely be inhabited by whites only. At the same time, the city refused to annex to two predominantly black areas. The United States Supreme Court upheld the District Court's denial of pre-clearance. This is from City of Pleasant Grove v. United States, 479 U.S. 462, 1987.

In 2003, the Department of Justice interposed an objection to a proposed annexation in the Town of North, SC, because the town had ''been racially selective in its response to both formal and informal annexation requests.'' DOJ found that ''white petitioners have no difficulty in annexing their property to the town'' while ''town officials provide little, if any, information or assistance to black petitioners and often fail to respond to their requests, whether formal or informal, with the result that the annexation efforts of black persons fail.'' Though the town argued that no formal attempts had been made by African-Americans to be annexed into the town, DOJ's investigation revealed that at least one petition had been signed by a significant number of African-American residents who sought annexation. The fact that the town ignored or was non-responsive to the requests of African-Americans, while accommodating the requests of whites, led DOJ to determine that race was ''an overriding factor in how the town responds to annexation requests.'' This is a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to H. Bruce Buckheister, Mayor, North, SC, September 16, 2003.

THE CRISIS IN THE MIDDLE-EAST

Mr. FEINGOLD. Mr. President, I stand firmly with the people of Israel and their government as they defend themselves against these outrageous attacks. The kidnapping of Israeli soldiers and missile attacks against Israeli citizens are unacceptable and cannot be tolerated.

The first steps toward establishing peace must begin with the unconditional and immediate return of the kidnapped Israeli soldiers. Lebanon, Syria, Iran, and countries throughout the region must also condemn the actions of and cease all forms of support of Hezbollah, Hamas, and other groups committed to blocking or derailing the pursuit of peace. These countries must take strong actions immediately to return stability to the region.

Any sustainable peace depends on the cessation of support for terrorist organizations. U.N. resolutions have clearly articulated obligations and requirements of countries throughout the region. Iran and Syria must stop all support for Hezbollah and Hamas immediately.

That said, all sides to this conflict must show as much restraint as possible. It is in the long-term interest of peace that parties to this conflict find an end to this current crisis without damaging the prospects for a sustained and permanent solution to this conflict.

ADDITIONAL STATEMENTS

HONORING DR. PETER ALAN McDONALD

• Mr. BAYH. Mr. President, today I, along with Senator CANTWELL, pay tribute to the life of a talented physician and respected citizen, Dr. Peter Alan McDonald, who passed away on June 15. I know he will be greatly missed in both Washington and his native Indiana.

Peter has left a rich legacy through his efforts to better the lives of others. From his studies in mathematics and medicine at Indiana University to his well-known work as a gifted and efficient emergency physician at St. Joseph Hospital, he dedicated himself to ensuring the welfare of those around him.

Peter's boundless passion for life led him to excel in many fields beyond his profession. An active outdoorsman and athlete, he found great joy in hockey, windsurfing, boating, and fishing. Family and friends may best remember Peter for his wonderful stories and sense of humor. He is survived by his wife, Kelli McDonald; his father, Alan McDonald; his mother, Mary Mandeville; his two brothers, Tom McDonald and Jeff McDonald; and his sister, Linda Frank.

While it is a tragedy to have Peter taken from us at such an early age, we can find comfort in the full life he led. It is a rare man who can make such an

impact on so many people throughout his years.

It is my sad duty to enter the name of Dr. Peter McDonald in the official RECORD of the U.S. Senate for his service to the States of Washington and Indiana. May God grant strength and peace to those who mourn, and may God be with all of you, as I know he is with Peter.●

CONGRATULATING OWENSBORO CATHOLIC ELEMENTARY SIXTH GRADE

● Mr. BUNNING. Mr. President, today I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team of Owensboro, KY. The Future Problem Solving Team recently earned the State championship in their division, placing first out of about 50 teams. They went on to compete at the international conference in Colorado and placed 22nd out of 55 teams.

The Future Problem Solving Program is a nationally recognized, award-winning program that seeks to increase awareness for the future and encourage creativity in students of all ages.

Over 50,000 students participate in the competitive components associated with future problem solving and community problem solving. Of these, less than 3 percent earn an invitation to the prestigious international event.

I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team for their achievement. The administrators, teachers, parents, and students of this team are an inspiration to the citizens of Kentucky. I look forward to all that the Future Problem Solving Team accomplishes in the future.●

125TH ANNIVERSARY OF SHELDON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that recently celebrated its 125th anniversary. On June 23–25, the residents of Sheldon gathered to celebrate their community's history and founding.

Sheldon is a small town located in the eastern part of North Dakota. Previously named Jenksville, E.E. Sheldon bought the land in June 1881 and renamed it after himself. On July 20 of that same year, a new post office was established with Karl E. Rudd as the first postmaster. The National Pacific Railroad arrived in Sheldon in 1882, and the village began to grow, becoming incorporated in 1884. Since the day of its founding, the community has been small but very active.

Shortly after its founding Sheldon established itself as a hotbed for amateur baseball, winning the state title in 1895. In addition, Lynn Bernard ''Line Drive'' Nelson, 1905–1955, born and raised in Sheldon, played major league baseball during the 1930's with the Chicago Cubs, the Philadelphia Athletics, and Detroit Tigers.

The community had a wonderful weekend celebration to commemorate its 125th anniversary. The celebration was highlighted by a full day of activities on Saturday, including a pancake breakfast, two parades, a tractor and pick-up pull, and a car show. The day was capped off by a street dance that night. In addition to those festivities, a quilt show and a room celebrating the history of the town were open all weekend. The celebration concluded on Sunday with an all-faiths service followed by a brunch.

Mr. President, I ask the U.S. Senate to join me in congratulating Sheldon, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Sheldon and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Sheldon that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Sheldon has a proud past and a bright future.●

125TH ANNIVERSARY OF COLFAX, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 22, the residents of Colfax will gather to celebrate their community's history and founding.

Colfax was founded in 1881 and was proudly named after former Vice President Schulyer Colfax, who had owned property in the area. In February 1881, Colfax's post office was established. Colfax became known as the ''Fountain City'' because of the numerous artesian wells that can be found in the community and the surrounding areas.

Today, Colfax remains a small, proud community. Each year, the community gathers together and has picnics in the park. During the summer, many of its residents can be found at the local pool, catching up with friends and family.

To celebrate the 125th anniversary of its founding, the residents of Colfax will gather on July 22. There will be an all-school reunion to allow former classmates to reunite with each other and a coffee social at the local church. The highlight of the celebration will be the parade, which will feature floats, horses, and this years' North Dakota nine-man football state champs—all of whom are residents of Colfax.

Mr. President, I ask the Senate to join me in congratulating Colfax, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Colfax and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Colfax that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Colfax has a proud past and a bright future.●

HONORING MARIO KAVCIC

● Mr. DEWINE. Mr. President, I ask that the following proclamation be printed in the RECORD.

The proclamation follows:

A PROCLAMATION HONORING THE DISTINGUISHED CAREER OF MARIO KAVCIC

Whereas; Mr. Mario Kavcic began his radio career forty years ago in Cleveland Heights for a Slovenian interest radio program, and

Whereas; Mr. Kavcic conducted his first on-air interview in his native Slovenian with then Ohio State Representative and current United States Senator George Voinovich, and

Whereas; Mr. Kavcic moved to Cleveland to work with other ethnic language broadcast companies, and

Whereas; Mr. Kavcic's great success and popularity earned him a prestigious evening time slot for his program, and

Whereas; Mr. Kavcic created a program devoted to international affairs that aired on Saturday nights for ten consecutive years, and

Whereas; Mr. Kavcic moved his program to Nationality Broadcast Network—which reaches communities in Ohio, Pennsylvania, and West Virginia—after National Ethnic Programming went through a format change, and

Whereas; Mr. Kavcic interviewed President Richard Nixon, President Gerald Ford, Senator Howard Metzenbaum, Congressman Dennis Kucinich, and Cleveland Mayors Michael White and Jane Campbell, to inform his listeners about current issues, and

Whereas; Mr. Kavcic was awarded the prestigious Governor Award by former Ohio Governor John Gilligan, and

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, would like to commend Mr. Mario Kavcic for his longtime and tireless efforts serving the Slovenian population in Cleveland and throughout Ohio. Mr. Kavcic's outstanding work to preserve and promote the rich heritage and culture of the Slovenian community is a shining example of the positive role the press can play in our society.

On this, the 18th Day of July, 2006.●

COMMEMMORATING THE 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. JOHNSON. Mr. President, today I pay tribute to the Department of Veterans Affairs, and the extraordinary men and women who work there to assist our Nation's veterans. Last year, the VA began a year-long celebration in order to commemorate the 75th anniversary of the founding of the Department. As the agency that administers veterans' benefits, a well-funded VA is one way our Nation honors those who have served in the Armed Forces.

Veterans programs have a long and distinguished history stretching back before nationhood itself. During the conflict between the Pilgrims of Plymouth Colony and the Pequot Indians in 1636, a law was approved mandating that disabled veterans would be supported by the colony. Over the course

of the next 300 years, a variety of programs designed to assist veterans were instituted by different administrative bodies. In 1930, all veterans programs were consolidated and placed under the jurisdiction of the Veterans' Administration. Finally, in 1988, President Reagan signed legislation creating the Department of Veterans Affairs.

The mission of the Department of Veterans Affairs is ''to care for him who shall have borne the battle and for his widow and his orphan,''—a quote from Abraham Lincoln's second inaugural address. The Department has five core values: commitment, excellence, people, communication, and stewardship. By upholding these core values, the Department of Veterans Affairs seeks to fulfill its obligation to those who have served in defense of our Nation.

The men and women who work at the Department of Veterans Affairs constitute a group who are highly trained and deeply devoted to the goals of the organization. This is true across the board but in South Dakota particularly. The Black Hills Health Care System was designated a top performer in the Department's fiscal year 2005 Survey of Healthcare Experiences of Patients. Furthermore, the Sioux Falls VA Medical Center has a strong track record of top notch service. For example, Luella Onken, a local volunteer at the hospital, was the recipient of the 2006 First Premier Bank/Premier Bankcard Spirit of Volunteerism Award. She volunteers 5 days a week at the medical center and has devoted 35,000 hours toward helping our veterans.

For 75 years, the Department of Veterans Affairs has done an exemplary job of providing quality health care, administering benefits, and overseeing military cemeteries for the men and women who have served our country. I am proud to recognize and commend the Department of Veterans Affairs. The dedicated service of the men and women who work at the VA is a testament to the Department's commitment to our veterans.●

CONGRATULATORY NOTE ON KAZAKH AMBASSADOR'S BIRTHDAY

● Ms. LANDRIEU. Mr. President, today, July 18th, 2006, Ambassador Kanat Saudabayev from Kazakhstan is congratulated on his 60th birthday and recognized for all of his work around the world as a diplomat, government official, and culture and arts leader.

In his work with Washington since December 2000, Ambassador Saudabayev has helped to build a strong relationship with the United States on many levels. In 2001, Kazakhstan's positive support after terrorist attacks on September 11 helped extend the U.S. partnership on important issues such as energy policy, arms proliferation, the environment, and terrorism. In the past year, he and his country have helped to build positive economic and educational affiliations with Louisiana and also have graciously donated $50,000 to two local schools for rebuilding after Hurricanes Katrina and Rita.

Serving in many important leadership positions before now, Ambassador Saudabayev was born in the Almaty region in 1946 and is now married to Kullikhan and is privileged to have two sons, a daughter, and three grandchildren. He has served as the head of the Prime Minister's Office in 1999 and 2000. In the 1990s he was appointed to serve as Ambassador to the United Kingdom of Great Britain and Northern Ireland. He worked as the Minister of Foreign Affairs in 1994 for his state and signed for Kazakhstan in NATO's Partnership for Peace Agreement. In 1991, he served as Ambassador to Turkey, the last under Soviet order, and worked to create a new strong future for Kazakhstan in its international relationships.

Before his diplomatic ventures, Ambassador Saudabayev had a passion for and held many positions in Kazakhstan's focus on culture. Starting as a theatrical producer, Ambassador Saudabayev acted as chairman of the State Committee of Culture, chairman of the State Film Committee, and Deputy Culture Minister.

Besides his devoted nature in working with the United States and his homeland, the Ambassador's most impressive past will lead the United States to not only recognize him for his past contribution to the world but most likely also for his efforts to come.

We wish him Happy Birthday on this celebratory year and occasion along with many years of health and good fortune in his future.●

TRIBUTE TO SHARON DALY

● Mr. ROCKEFELLER. Mr. President, this month, Sharon Daly will retire from Catholic Charities USA. She has been a compassionate, committed advocate for the most vulnerable children and needy families for more than a decade. She has skillfully represented a nationwide faith-based network that serves people in every State, including West Virginia. For many years, Sharon and her grassroots network of service providers have provided information and valuable insights on the needs of children and families. I have gained facts and support on a wide range of issues, from adoption and foster care to childcare and welfare reform, thanks to Sharon Daly and Catholic Charities. She has been a clear, compelling voice for the needs of children and the poor. Her leadership has been inspiring, and her voice will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE IMPORTATION OF CERTAIN GOODS FROM LIBERIA THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM–54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on July 21, 2005 (70 FR 41935).

The actions and policies of former Liberian President Charles Taylor and his close associates, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2006*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

H.R. 4075. An act to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes.

At 7:05 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, without amendment:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on Finance.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 18, 2006, she had presented to the President of the United States the following enrolled bill:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

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–7577. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Financial Officer, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's 2005 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7578. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2005 statement on the system of internal controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC–7579. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7580. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7581. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2005 Management Report and statement on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs .

EC–7582. A communication from the First Vice President and Controller, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's 2005 management reports and statements on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–7583. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission , transmitting, pursuant to law, the report of a rule entitled ''Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities'' (RIN3235–AJ54) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7584. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measure Against VEF Bank Including Its Subsidiary, Veiksmes lizings, as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AA82) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

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. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG, Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 3679. A bill to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU):

S. 3681. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Environment and Public Works.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program;

to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 3683. A bill to preserve the Mr. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN):

S. Res. 534. A resolution condemning Hezbollah and Hamas and their state sponsors and supporting Israel's exercise of its right to self-defense; considered and agreed to.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr. BROWNBACK, Mr. LOTT, Mr. DORGAN, Ms. STABENOW, Mr. CARPER, and Mr. TALENT):

S. Res. 535. A resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 351

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 418

At the request of Mr. BURNS, his name was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 882

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 882, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 929

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 929, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 1293

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1293, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2435

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2703, supra.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2793

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 2793, a bill to enhance research and education in the areas of pharmaceutical and biotechnology science and engineering, including therapy development and manufacturing, analytical technologies, modeling, and informatics.

S. 3504

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3504, a bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

S. 3547

At the request of Mr. SESSIONS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 3547, a bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3658, a bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the Untied States, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. RES. 531

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

At the request of Mr. LIEBERMAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. THOMAS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 531, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG, Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3678

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 ''Pandemic and All-Hazards Preparedness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES'';

(2) by amending subtitle A to read as follows:

''Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

''SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

''(3) COUNTERMEASURES.—

''(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

''(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F-2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

''(4) COORDINATION.—

''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private

entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2; and

''(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C-1;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Medical Reserve Corps pursuant to section 2813 as added by the Pandemic and All-Hazards Preparedness Act;

''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

''(C) the Strategic National Stockpile; and

''(D) the Cities Readiness Initiative; and

''(3) assume other duties as determined appropriate by the Secretary.''; and

(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

''SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every 4 years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

''(b) PREPAREDNESS GOALS.—The strategy under subsection (a) shall include provisions in furtherance of the following:

''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

''(B) integrating public and private sector public health and medical donations and volunteers.

''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

''(C) Risk communication and public preparedness.

''(D) Rapid distribution and administration of medical countermeasures.

''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

''(A) Strengthening public health emergency medical management and treatment capabilities.

''(B) Medical evacuation and fatality management.

''(C) Rapid distribution and administration of medical countermeasures.

''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(4) AT-RISK INDIVIDUALS.—

''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

''(B) For purpose of this title and section 319, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: ''improving state and local public health security.'';

(2) by striking subsections (a) through (i) and inserting the following:

''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

''(1)(A) be a State;

''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4); or

''(C) be a consortium of entities described in subparagraph (A); and

''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

''(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that

such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

''(2) minimize duplicative funding of programs and activities;

''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information system to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C-2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

''(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

''(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

''(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for a previous fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

''(6) AMOUNTS DESCRIBED.—

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C-1 or 319C-2:

''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

''(7) REALLOCATION OF AMOUNTS WITHHELD.—

''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C-2 to entities described in subsection (b)(1) of such section.

''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C-2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C-2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

''(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.'';

(3) by redesignating subsection (j) as subsection (h);

(4) in subsection (h), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by

the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

''(2) MAINTAINING STATE FUNDING.—

''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(3) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

(B) in paragraph (4)(A)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)'';

(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

(D) in paragraph (5), by striking ''2003'' and inserting ''2007''; and

(E) by striking paragraph (6) and inserting the following:

''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

(5) by adding at the end the following:

''(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

''(A) secure an accurate description of those activities;

''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2; and

''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2.

''(2) AUDITS; IMPLEMENTATION.—

''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

''(3) MAXIMUM CARRYOVER AMOUNT.—

''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.''.

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

(2) by adding at the end the following:

''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

''(A) State, local, and tribal public health entities, including public health laboratories;

''(B) Federal health agencies;

''(C) zoonotic disease monitoring systems;

''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

''(E) such other sources as the Secretary may deem appropriate.

''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

''(B) define minimal data elements for such network;

''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, or animal health organizations within such States.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

''(A) reports of such data, information, and metrics as the Secretary may require;

''(B) a report on the effectiveness of the systems funded under the grant; and

''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

''(3) USE OF FUNDS.—A State that receives an award under this subsection—

''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

''(A) interoperability and other technological standards, as determined by the Secretary; and

''(B) data collection and reporting requirements for the network described in subsection (d).

''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

''(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

''(A)(i) a hospital, clinical laboratory, university; or

''(ii) poison control center or professional organization in the field of poison control; and

''(B) a participant in the network established under subsection (d).

''(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under subsection (d).

''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.''.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended by adding at the end the following:

''(h) PUBLIC HEALTH DEPARTMENTS.—

''(1) IN GENERAL.—To the extent that funds are appropriated under paragraph (5), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that serves a significant number of health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local health department that serves a health professional shortage area or an area at risk of a public health emergency.

''(2) PROCEDURE.—To be eligible to receive assistance under paragraph (1), with respect to the program described in section 338B, an individual shall—

''(A) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

''(B) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, consistent with paragraph (1).

''(3) DESIGNATIONS.—The demonstration project described in paragraph (1), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

''(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under paragraph (1), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

''(i) PUBLIC HEALTH LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

Section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended to read as follows:

''SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any

other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting ''national disaster medical system'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting ''MODIFICATIONS'';

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

(2) in section 503(5), by striking '', the National Disaster Medical System''.

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

''SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

''(2) other strategies to improve such capacity as determined appropriate by the Secretary.

''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to''; and

(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on

the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

''(c) COMPOSITION.—The Corps shall be composed of individuals who—

''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

''(2) are certified in accordance with the certification program developed under subsection (d);

''(3) are geographically diverse in residence;

''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

''(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

''(d) CERTIFICATION; DRILLS.—

''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

''(1) with respect to each volunteer health professional included in the system—

''(A) information necessary for the rapid identification of, and communication with, such professionals; and

''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

(3) by striking subsection (d) and inserting the following:

''(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

''(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

''(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

(4) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsections (a) through (g) and inserting the following;

''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

''(A) medical management of casualties, taking into account the needs of at-risk individuals;

''(B) public health aspects of public health emergencies;

''(C) mental health aspects of public health emergencies;

''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

''(A) take into account continuing professional education requirements of public health and healthcare professions; and

''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing

professional education credit for program courses.

''(5) DISSEMINATION AND TRAINING.—

''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.

''(b) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006 for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

''(c) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, and other health professions schools as determined by the Secretary, for voluntary use by such schools.

''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

''(A) define the public health preparedness and response needs of the community involved;

''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

(2) by redesignating subsection (h) as subsection (d);

(3) by inserting after subsection (d) (as so redesignated), the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

''(A) to carry out subsection (a), $12,000,000, of which $5,000,000 shall be used to carry out paragraphs (1) through (4) of such subsection, and $7,000,000 shall be used to carry out paragraph (5) of such subsection;

''(B) to carry out subsection (b), $3,000,000; and

''(C) to carry out subsection (c), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

(4) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

''(1)(A) be a partnership consisting of—

''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

''(iii)(I) one or more political subdivisions;

''(II) one or more States; or

''(III) one or more States and one or more political subdivisions; and

''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

''(2)(A) be an entity described in section 319C–1(b)(1); and

''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C-1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

''(d) PREFERENCES.—

''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

''(A) include one or more hospitals that are participants in the National Disaster Medical System;

''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(2).

''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

''(h) MAINTENANCE OF STATE FUNDING.—

''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of

such personnel is to carry out such activities).

''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C-1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C-1.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

(3) in subsection (d), by—

(A) striking ''develop and'';

(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

(B) in paragraph (2)—

(i) by striking ''bioterrorism and other''; and

(ii) by striking ''319F(a)'' and inserting ''319F''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in 1999, President Clinton unveiled the New Markets Investment Initiative to counter an unmet challenge in the 21st century: building economically vibrant communities in underserved places such as inner cities and distressed rural areas, where there is a great need for jobs and economic development. The goal was to build a bridge between Wall Street and our untapped markets in Main Street America. In that same year, Senators Paul Wellstone, JEFF BINGAMAN, PAUL SARBANES, CARL LEVIN, Max Cleland, and I introduced the Community Development and Venture Capital Act to spearhead this innovative New Markets initiative in the Senate. In 2000, our New Markets initiative was enacted with bipartisan support in Congress as part of the Consolidated Appropriations Act of 2001. The New Markets Venture Capital Program, NMVC, which specifically promotes the creation of wealth and job opportunities in low-income areas, was only one part of the initiative agreed to by Speaker HASTERT and then-President Clinton. The other elements of that agreement included the New Markets Tax Credits, NMTC, additional empowerment zones, and a new program: Community Renewal Zones. The overall goal of the legislation was to provide a number of different approaches to alleviating poverty so that we could better understand what works best. With the exception of the NMVC Program, all of the other programs have moved forward. However, the NMVC Program has not been given the opportunity, the funding, or the support to reach its full potential as Congress intended.

The NMVC Program has had many successes since its inception 5 years ago. CEI Community Ventures, Inc. from Maine—close to my home State of Massachusetts—has invested venture capital funds in Look's Gourmet Food Company, which manufactures and sells all-natural, high-quality, shelf-stable seafood products under the ''Bar Harbor T'' and ''Atlantic T'' brands. Another example can be found in Vermont, where Carolyn Cooke and Poppy Gall founded Juno Rising/Isis Women's Apparel, an outdoor clothing company targeting the needs of today's active women. Their products can be found in outdoor stores throughout the country.

Today, I rise to introduce legislation that will not only reauthorize the New Markets Venture Capital Program for 3 years, but will provide critical components for success: providing appropriate funding authorization levels, expanding the NMVC program into all regions of the country, encouraging investment in small manufacturers, making the NMVC Program consistent with the NMTC as Congress intended, incorporating the operational assistance grant model from the Rural Business Investment Program, and establishing a long-overdue Office of New Markets Venture Capital. The legislation is a companion to H.R. 4303, introduced by Representatives GWEN MOORE of Wisconsin and HAL ROGERS of Kentucky. While few differences exist between our bills, both send a clear legislative signal that there is strong bipartisan and bicameral support from Congress to reauthorize this program.

Mr. President, this program has a history of strong bipartisan support. In fiscal year 2001, together we appropriated $150 million for debenture guarantees and $30 million in grant financing to support up to 15 NMVC companies. Unfortunately, only half of this money was obligated to support 6 NMVC companies, and the remaining funds were rescinded in the Fiscal Year 2003 Omnibus Appropriations Act Conference Report. Now today this program faces further challenges with the President's Fiscal Year 2007 budget request asking for no funding for the NMVC Program. This is the sixth year in a row the President has not backed this program, although Congress restored funding in 2002 and initially provided funding in 2003. The Small Business Administration's, SBA's, failure to obligate the remaining funds and the President's lack of support for funding the NMVC Program raises an important question: Has the challenge in the 21st century of improving local economies in low-income urban and rural communities been met? All evidence says no. A 2006 report on America's Children by the Federal Interagency Forum on Child and Family Statistics stated that in 2004, 17 percent of children live in poverty—a total of 12.5 million. In addition, 42 percent of children with single mothers and one in three African-American children live in poverty. The Bureau of Labor Statistics shows that in areas such as Flint, MI, where the NMVC has not yet had the time or resources to reach, the unemployment rate is at 7.3 percent, well above the national average of 4.6

percent. Congress must use this reauthorization process as an opportunity to stimulate business activity in all communities and create jobs for low-income residents throughout the entire country.

Prior to the creation of the NMVC Program, Congress attempted to fill this unmet need through various programs. In fact, Congress created the NMVC Program based on the SBA's Small Business Investment Company Program, SBIC. Since its beginning in 1958, the SBIC Program has provided approximately $46 billion of long-term debt and equity capital to more than 99,000 small U.S. companies. Although the SBIC Program has been popular, it does not sufficiently reach the underserved areas of our country that need economic development the most. The NMVC is targeted specifically to very low-income areas, including historically underutilized business zones—HUB Zones—and low-income rural and urban neighborhoods, which are overlooked by traditional venture capital investors. I do not have an NMVC Company in my State, and I am sure that many Sates, like Massachusetts, could benefit from the opportunities that the NMVC creates. To ensure that the NMVC Program expands into diverse areas around the country, the legislation encourages the SBA Administrator to establish not fewer than one company from each of the 10 geographic regions of the country. In addition to diversifying the geographic distribution of NMVC companies to our underserved communities, there is a great need to diversify the types of investments approved by the SBA, particularly in the area of manufacturing. According to a 2004 study by the U.S. Department of Commerce, the most recent recession in the business cycle hit U.S. manufacturers and their workers hardest—a downturn that first was felt in 2000. The manufacturing community lost 2.6 million jobs, accounting for all of the net job losses from the fourth quarter of 2000 through the third quarter of 2003. Much of the manufacturing sector continues to operate well below its previous peak and potential. For example, in places such as Milwaukee, where in 2002, according to the Bureau of Labor Statistics, 59 percent of working-age African-American males were either unemployed or out of the workforce. Milwaukee has also lost 33,000 manufacturing jobs in the past 5 years. We need to do all we can to bring back these lost manufacturing jobs, and the NMVC Program could play a role. Relying on the market to bring venture capital funding to Milwaukee and other manufacturing hubs is not the solution. According to a study by the University of Kansas, Milwaukee ranks 49th out of the 50 largest U.S. cities in terms of venture capital dollars. Imagine the difference that a venture capital investment could make in this area, creating one job for every $15,000 invested.

As I mentioned previously, this legislation is a companion to the bipartisan legislation introduced by Representatives MOORE and ROGERS in the House. Both of our bills include small manufacturers in the mission of the program, by encouraging the SBA Administrator to select at least one NMVC company that is primarily involved in the investment and development of small manufacturing firms.

Mr. President, the legislation also makes the NMVC Program and the NMTC consistent in defining low-income geographic areas. Both programs were designed to work together—the NMTC was intended to be a tool to encourage NMVC companies to raise private investment capital in low-income communities. Conforming their definitions will assure a smooth coordination between the two programs for future investors.

The nexus between the NMVC Program and the NMTC is only one aspect that makes this program unique among all of the SBA's programs. Another unique aspect is the operational assistance grant program that fund managers can use to assist entrepreneurs in low-income communities to develop a business plan, manage employees, or market their products and services. These grants are an essential tool for fostering community development using venture capital firms because investors are able to reach out into communities not served by conventional investors. Many of the NMVC companies are also members of the surrounding community, therefore, they will have the local expertise and guidance for entrepreneurs to start and sustain a viable business. Some NMVC companies are having a difficult time meeting the SBA requirement that each company raise an upfront dollar-for-dollar match in order to obtain an operational assistance grant. To avoid this unnecessary burden, the legislation incorporates a provision modeled after the joint SBA/Department of Agriculture Rural Business Investment Program which does not require a match from the company and limits the amount of the grant.

Mr. President, these improvements to the NMVC Program are important but they cannot be implemented without dedicated staff at the SBA. In October 2005, I wrote a letter to the SBA expressing my concern about the lack of staffing and resources devoted to the NMVC office within the SBA's Investment Division. The SBA informed me that staff members within the Office of SBIC Operations were getting cross-trained on the NMVC Program to ensure adequate staffing and provide ample support to meet the needs of the six NMVC companies currently assigned to the Office of New Markets Venture Capital within the SBIC Program. Reshuffling SBA staff to assist six companies is not sufficient. If this program grows to its originally intended potential of 15 companies, there needs to be staff dedicated solely to administering the NMVC Program. This legislation establishes an Office of New Markets Venture Capital within the Investment Division of the SBA, headed by a Director appointed by the SBA Administrator. The Director would be responsible for administering and encouraging investment in small manufacturing firms and working to expand the number of small businesses participating in the NMVC Program.

This bill is urgently needed now to expand the good work of the NMVC Program, and I urge all of my colleagues to show their support for the small but growing number of businesses that promise both financial returns for their investors and social returns to low-income people and distressed regions in which they invest. This double bottom line distinguishes the NMVC Program from any other SBA program, and we cannot afford to let it expire.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU).

S. 3681. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the Agricultural Protection and Prosperity Act of 2006. I would like to thank my colleagues from both sides of the aisle for their support by cosponsoring this important legislation.

The Agricultural Protection and Prosperity Act of 2006 seeks to clarify the original intent of the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, by providing an exemption for manure derived from agricultural operations. This clarification is badly needed in order to protect America's agriculture industry from onerous and frivolous lawsuits. Without clarification, agriculture operations could be fined up to $27,500 per day per violation, thereby bankrupting many livestock operations in this country. American livestock operations are already some of the most regulated businesses with regards to environmental quality. Additional requirements and liability under CERCLA, which is designed to clean up toxic industrial pollutants, is unwarranted and unfair for America's farmers.

Agriculture has been the backbone of this country since its inception and we owe our farmers a debt of gratitude. However, in an environment where our farmers and ranchers are struggling to

compete on the international stage, it seems unconscionable that some people wish to place them at a further disadvantage.

This clarification is especially important for New Mexico's dairy industry. This relatively new sector of our economy has grown by leaps and bounds over the years to a point where it contributes substantially to the overall economic output of my great State. On a national level, New Mexico enjoys one of the largest average herd sizes and per capita milk production in the country. This dramatic increase benefits many related businesses from the alfalfa growers along the Rio Grande to the implement salesman in our small towns. However, this growth and the future of the dairy industry in New Mexico are in great jeopardy. If this clarification to CERCLA is not made, the resulting dairy closures and the effects on related industries would devastate my State.

Mr. President, I ask unanimous consent that a copy 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. 3681

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 ''Agricultural Protection and Prosperity Act of 2006''.

SEC. 2. ANIMAL WASTE.

(a) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at end the following:

''SEC. 313. EXCEPTION FOR MANURE.

''(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

''(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 205.2 of title 7, Code of Federal Regulations (or a successor regulation));

''(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

''(3) any process water associated with any item referred to in paragraph (1) or (2); and

''(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

''(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

''(1) the term 'hazardous substance', as defined in section 101(14); or

''(2) the term 'pollutant or contaminant', as defined in section 101(33).

''(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

''(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

''(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

''(3) affect the applicability of any other environmental law as such a law relates to—

''(A) the definition of manure; or

''(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.''.

(b) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking ''This section'' and inserting the following:

''(A) IN GENERAL.—This section''; and

(2) by adding at the end the following:

''(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).''.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the attached 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. 3682

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 ''America's Opportunity Scholarships for Kids Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support local efforts to enable students from low-income families who attend a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(1) to attend a private elementary school or secondary school, or a public elementary school or secondary school outside the student's home school district, including a public charter school; or

(2) to receive intensive, sustained supplemental educational services.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a local educational agency;

(B) a State educational agency; or

(C) a nonprofit organization or a consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student from a low-income family who—

(A) with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(i) is eligible to enroll in the beginning grade of the school;

(ii) except as provided in subparagraph (C), attended the school for the entire school year preceding the identification;

(iii) in the case of a student who transfers to the school to attend any grade beyond the beginning grade of the school, attends the school for the remainder of the school year in which the transfer occurs; or

(iv) received a scholarship under this Act in a preceding school year due to such identification; or

(B) is a sibling of a student described in any 1 of clauses (i) through (iv) of subparagraph (A).

(4) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 185 percent of the poverty line, except that in the case of a student participating in a project under this Act for a second or any succeeding school year the term includes a family whose income does not exceed 220 percent of the poverty line.

(5) POVERTY LINE.—The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PRIVATE PROVIDER.—The term ''private provider'' means a nonprofit or for-profit private provider of supplemental educational services described in section 1116(e)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(1)) that is on the updated list of approved providers maintained by the State educational agency under section 1116(e)(4)(C) of such Act (20 U.S.C. 6316(e)(4)(C)).

(7) SUPPLEMENTAL EDUCATIONAL SERVICES.—The term ''supplemental educational services'' has the meaning given the term in section 1116(e)(12)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(12)(C)).

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2) and from amounts appropriated under section 6 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to support projects that provide—

(A) scholarships to enable eligible students to attend—

(i) the private elementary school or secondary school of their parent's choice; or

(ii) a public elementary school or secondary school of their parents' choice outside of the eligible student's home school district, consistent with State law; or

(B) eligible students with intensive, sustained supplemental educational services on an annual basis.

(2) SCHOLARSHIP DURATION RULE.—Each eligible entity that receives a grant under this Act shall only award a scholarship under this Act to an eligible student for—

(A)(i) in the case of an eligible student described in section 3(3)(A), the first school year for which the eligible student is eligible to receive the scholarship with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965; and

(ii) in the case of an eligible student described in section 3(3)(B), the first school year taught at the school so identified; and

(B) each subsequent school year through the school year applicable to the final grade taught at the school so identified.

(b) DURATION OF GRANTS.—The Secretary may award grants under this Act for a period of not more than 5 years.

(c) PRIORITIES.—In awarding grants under this Act, the Secretary shall give priority to eligible entities that—

(1) propose to serve eligible students in a local educational agency with a large number or percentage of schools identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(2) possess the knowledge and capacity to inform parents of eligible students, in urban,

suburban, and rural areas, about public and private elementary school and secondary school options; and

(3) will augment the scholarships provided to eligible students under this Act in order to help ensure that parents can afford the cost (including tuition, fees, and necessary transportation expenses) of the schools the parents choose to have their children attend under this Act.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be considered for a grant under this Act, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the eligible entity's plan for—

(i) recruiting private schools, local educational agencies, charter schools, and private providers, to participate in the project in order to meet eligible student demand for private and public school admission and supplemental educational services; and

(ii) ensuring that participating schools that enroll eligible students receiving scholarships under this Act, and private providers participating in the project, will meet the applicable requirements of the project;

(B) each school identified for restructuring that will be served under the project, including—

(i) the name of each such school; and

(ii) such demographic and socioeconomic information as the Secretary may require;

(C) how the eligible entity will work with the identified schools and the local educational agency to identify the parents of eligible students (including through contracts or cooperative agreements with the public school or local educational agency) consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(D) how the eligible entity will structure the project in a manner that permits eligible students to participate in the second and succeeding school years of the project if the schools the eligible students attend with scholarship assistance under this Act are subsequently identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(E) how the eligible entity will use funds received under this Act;

(F) how the eligible entity will ensure that if more eligible students seek admission to the project than the project can accommodate, the eligible students will be selected through a random selection process;

(G) how the eligible entity will notify parents of eligible students of the expanded choice opportunities provided under the project and how the eligible entity will provide parents with sufficient information to enable the parents to make an informed decision;

(H) how the eligible entity will ensure that the schools receiving eligible students under the grant are financially responsible and will use the grant funds received under this Act effectively;

(I) how the eligible entity will prioritize between providing scholarships and providing sustained, intensive supplemental educational services, including the timing and duration of offering the opportunity for parents to determine which provision the parents prefer; and

(J) how the eligible entity will address the renewal of support for participating eligible students, including continued eligibility.

(e) USES OF FUNDS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this Act may—

(A) reserve not more than 5 percent of the grant funds for administrative expenses, including costs associated with recruiting and selecting eligible students, private schools, and private providers, to participate in the project;

(B) only for the first year for which grant funds are received under this Act, reserve not more than 5 percent of the grant funds (in addition to the funds reserved under subparagraph (A)), for initial implementation expenses, including costs associated with outreach, providing information to parents and school officials, and other administrative expenses;

(C) use the grant funds to provide scholarships to eligible students to pay for the cost, including tuition, fees, and necessary transportation expenses, to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law), except that the scholarship shall not exceed $4,000 per student per school year; and

(D) use the grant funds to pay the costs, including reasonable transportation costs, of supplemental educational services (including summer school or after-school programs) provided by a private provider to eligible students, except that the costs shall not exceed $3,000 per student, per school year.

(2) FUNDING ORDER.—Each eligible entity that receives a grant under this Act shall—

(A) first fund scholarships for eligible students to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law); and

(B) use any remaining grant funds to provide eligible students with access to supplemental educational services.

(3) PAYMENT.—Each eligible entity that receives a grant under this Act shall make scholarship payments under this Act to the parent of the eligible student participating in the project, in a manner that ensures that the payments will be used only for the payment of tuition, fees, and necessary transportation expenses, in accordance with this Act.

(f) PROHIBITION.—A student who receives supplemental educational services under this Act shall not be eligible to receive other such services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)).

(g) PROJECT PERFORMANCE.—Each eligible entity receiving a grant under this Act shall prepare and submit to the Secretary a final report on the results of the project assisted under this Act that contains such information as the Secretary may require. At a minimum, the report shall include information on the academic achievement of students receiving scholarships and supplemental educational services under the project.

(h) PERFORMANCE INFORMATION.—Each eligible entity that receives a grant under this Act shall collect and report such performance information as the Secretary may require for the national evaluation conducted under subsection (i).

(i) NATIONAL EVALUATION.—From the amount made available for any fiscal year under section 6, the Secretary shall reserve such sums as may be necessary to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on student achievement. The Secretary shall report the results of the evaluation to the appropriate committees of Congress.

SEC. 5. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in a project under this Act shall not discriminate against an individual participant in, or an individual applicant to participate in, the project on the basis of race, color, religion, sex, or national origin.

(b) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination described in subsection (a) shall not apply to a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization, to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the organization.

(2) PARENTAL CHOICE.—Notwithstanding subsection (a) or any other provision of law, a parent may choose to enroll a child in, and a school may offer, a single-sex school, class, or activity under a project funded under this Act.

(3) NEUTRALITY.—Section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise, in matters of employment, the school's rights consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, if a school described in subsection (a) receives funds made available under this Act for an eligible student as a result of a choice made by the student's parent, the receipt of the funds shall not, consistent with the first amendment of the Constitution—

(A) necessitate any change in the school's teaching mission;

(B) require the school to remove any religious art, icon, scripture, or other symbol; or

(C) preclude the school from retaining a religious term in its name, selecting its board members on a religious basis, or including a religious reference in its mission statement or another chartering or governing document.

(e) RULES OF CONSTRUCTION.—For purposes of Federal law, a scholarship provided under this Act to a student shall be considered to be assistance to the parent of the student and shall not be considered to be assistance to the school that enrolls the student. The amount of any scholarship (or other form of support for the provision of supplemental educational services) provided to a parent of an eligible student under this Act shall not be treated as income of a parent of the eligible student for purposes of Federal tax laws or for purposes of determining eligibility for any other Federal program, other than the program carried out under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. ENSIGN. Mr. President, I am pleased to join my colleague, Senator ALEXANDER, in introducing legislation

that would create the America's Opportunity Scholarships for Kids. First proposed by President Bush, this legislation will provide children who are in schools designated for restructuring with scholarships either for the cost of tuition at a private school or for sustained, supplemental educational services.

The No Child Left Behind Act set up a structure for schools to get evaluated annually to determine whether they are meeting adequate yearly progress. Schools are designated for restructuring after 6 years of poor student academic achievement. Children are often trapped in these circumstances, and this legislation will help provide them with either a way out or additional services to increase their academic achievement levels.

I believe that the America's Opportunity Scholarships for Kids will provide true school choice across the country.

Competitiveness and innovation are two of the latest buzz words that surround education. I believe that school choice will breed both competitiveness and innovation.

A few years ago I read an article by Maurice McTigue, now a professor at George Mason University. Mr. McTigue was the equivalent of the Secretary of Transportation in New Zealand when their government underwent a radical transformation. During that time New Zealand's government was decentralized, with most control and money going to local areas. This included the education system.

Rather than having money go directly to the schools, the money followed the children. The government set specific dollar amounts for each child, depending on whether the child had special needs, and that money was given to the school of the child's parents' choice.

This truly radical change caused great uproar at the time, as everyone believed that it would lead to the destruction of the public school system. During the first few years of this new system, enrollment in public schools did decline slightly. However, because each public school was allowed to change and meet the needs of its local students, parents eventually moved back to their home schools.

Now, public school enrollment is at an all-time high in New Zealand. Why? Because schools were forced to compete among themselves without artificial governmental barriers. Parents were allowed to choose the school that best fit their child's needs.

I believe the same thing would happen in the United States if school choice were made available across the country. In fact, two studies by Harvard researchers have shown that, as the voucher program in Milwaukee was expanded, there was a marked improvement in test scores at the public schools most threatened by the program. Students in these public schools have benefited from competition.

In Milwaukee, the choice program caused the public school system to shift power from a centralized administration to each individual school. This shift allowed parents and teachers to make decisions, including who could teach at the school.

Elementary and secondary education is one of the few sectors in this country that does not have open competition. By contrast, our higher education system has flourished because of competition.

The purpose of this legislation is to provide low-income children who are in schools that have consistently not met adequate yearly progress benchmarks, and have not improved student academic achievement, with other options.

This legislation would provide low-income students and their parents with two options. First, these students would have the option of a $4,000 scholarship that would be applied to the cost of tuition at the private school of their parent's choice. If parents decide not to take the scholarship, their child would be eligible for up to $3,000 of intensive, sustained supplemental educational services. Supplemental educational services are services that are provided outside of the regular school day, such as after or before school, that are designed to improve academic achievement.

I believe that this legislation is the next step toward bringing true competition to elementary and secondary education.

I hope that my colleagues will join Senator ALEXANDER and me in supporting this legislation.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join the Senator from Virginia as an original cosponsor of legislation to study and promote the use of energy efficient computer servers in the United States. The growth of the Internet and online applications and the strong demand for electronic transactions are creating a growing need for data centers. Most data center equipment is composed of servers, which are computers that share resources with other computers on a network.

The average annual power and cooling bill for 100 servers is about $40,000—from Computer World, February 6, 2006. The U.S. server market is expected to grow from 2.8 billion servers in 2005 to 4.9 billion in 2009. Without improved efficiency, data center power costs could easily overtake hardware costs in the next few years—A. Fanara, EPA, technical workshop on server benchmarking, March 27, 2006.

Our bill would require the Administrator of EPA to study and analyze the growth and energy consumption of computer data centers. A critical goal of the study is to develop a standard way to measure server efficiency. Energy efficient servers and data center designs are currently available. This analysis would help promote the use of efficient server technology through the Energy Star Program or the Department of Energy's buildings standards program and allow consumers to compare products on the basis of efficiency.

This legislation has broad support from the information technology sector and energy efficiency advocates, including the Alliance to Save Energy, the American Electronics Association, the American Council for an Energy Efficient Economy, the Electronic Industries Alliance, the Information Technology Industry Council, the Semiconductor Association, and leading companies such as Intel, AMD, Sun, and HP.

Mr. President, under the bipartisan leadership of Representative ESHOO, and Representative ROGERS, the House approved identical legislation last week. I hope that the Senate will also pass this needed legislation as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—CONDEMNING HEZBOLLAH AND HAMAS AND THEIR STATE SPONSORS AND SUPPORTING ISRAEL'S EXERCISE OF ITS RIGHT TO SELF-DEFENSE

Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004)

calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of this resolution condemning Hezbollah and its state sponsors, and supporting Israel's exercise of its right to self-defense.

On July 12 Hezbollah militants launched an attack into northern Israel, killing seven Israeli soldiers and kidnapping two soldiers to hold hostage in Lebanon. On June 25, despite Israel's evacuation of Gaza almost a year ago, Hamas entered sovereign Israeli territory, attacked an Israeli military base, killed two Israeli soldiers and kidnapped one, who is still being held captive.

Hezbollah and Hamas are terrorist organizations supported by Syria and Iran. The Senate is on the record demanding that Syria and Iran abandon their sponsorship of terrorism, with legislation including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 and the Iran and Libya Sanctions Act of 1996. Syria, Iran, and the Hezbollah terrorists that these states sponsor are responsible for the current violence in the Middle East. The kidnapping of Israeli soldiers from Israeli soil and the exploitation of civilian populations as shields are provocations to which any sovereign nation would be obligated to react. Israel has every right to respond to protect her citizens.

These terrorists must be stopped. Terrorists destroy lives. They destroy hope. They destroy the opportunity for peace. The independent militias in Lebanon must be dismantled and withdrawn. The Lebanese government must take steps to comply with United Nations Security Council Resolution 1559 and disarm the Hezbollah forces operating within its territory. The Israeli soldiers being held captive by Hezbollah or Hamas must be released immediately and unconditionally.

I urge President Bush to use all available political and diplomatic means to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas. We are united in our rejection and condemnation of the heinous acts of Hezbollah and Hamas and the governments of Syria and Iran are supporting them.

We are also united, Mr. President, in our steadfast support for Israel and Israel's right to self-defense. Israel is one of our closest allies. As Americans, we share with Israel both strategic interests and moral values. Today I am proud to stand with the people of Israel and support their right to defend themselves.

SENATE RESOLUTION 535—COMMENDING THE PATRIOT GUARD RIDERS FOR SHIELDING MOURNING MILITARY FAMILIES FROM PROTESTERS AND PRESERVING THE MEMORY OF FALLEN SERVICE MEMBERS AT FUNERALS

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr. BROWNBACK, Mr. LOTT, Mr. DORGAN, Ms. STABENOW, Mr. CARPER, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the ''Patriot Guard'' began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the ''Patriot Guard Riders'';

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

Mr. CONRAD. Mr. President, today Senator ROBERTS is joining me as I submit a resolution to commend the Patriot Guard Riders for all they have done to honor our Nation's fallen heroes and bring comfort to these soldiers' friends and family members.

The Patriot Guard Riders was established in August of 2005 when the American Legion Riders Chapter 136 from Kansas learned that the Westboro

Baptist Church was planning to protest at the funeral of SGT John Doles in Chelsea, OK. The Patriot Guard Riders have since grown into a national network of tens of thousands of members who share a respect for service members who have made the ultimate sacrifice.

The group's mission is to show their sincere respect for our fallen heroes, their families, and their communities. Patriot Guard members attend funerals after being invited by the family of the fallen soldier. At the funeral they form a human shield to protect grieving family members and friends from protesters.

I was recently at the funerals for North Dakota soldiers, and I was appalled—absolutely appalled—by the behavior of protesters who used the funeral to convey their twisted message of hatred for our soldiers and their families. These protests do a grave disservice to the men and women who have courageously served our country and paid the ultimate sacrifice. They and their families deserve privacy and our profound respect.

In addition to attending fallen soldiers' funerals, and send offs, and welcome home ceremonies, the Patriot Guard Riders also visit critically wounded soldiers in hospitals and help them become assimilated back into civilian life. The group has also started the Fallen Warrior Scholarship Fund, a scholarship established to send fallen soldiers' children to college.

Our colleagues in the House passed a similar piece of legislation, H. Res. 731, on June 20. We should join them in expressing the Senate's deepest appreciation to the Patriot Guard Riders who help to preserve the memory and dignity of the Nation's fallen heroes. The resolution I am submitting today does just that. It expresses the Senate's ''deepest appreciation to the Patriot Guard Riders who shield mourning family members and friends of the deceased from protesters who interrupt, or threaten to interrupt, the dignity of a funeral; and in so doing, help to preserve the memory and dignity of the Nation's fallen heroes.''

All across the Nation, and in my own State of North Dakota, Patriot Guard Riders are protecting mourning families from further hurt. For that, they deserve our sincere gratitude.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4676. Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4679. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 728, supra.

SA 4680. Mr. SPECTER (for himself and Mr. CARPER) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4676. Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–

311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(31) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a

total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the projects modified under this subsection.

(B) REPORTS.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the ''Council'') for approval.

(ii) SUBMISSION TO CONGRESS.—On approval of a report under clause (i), the Council shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term projects authorized by this section.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—

(1) ESTABLISHMENT.—There is established within the Mississippi River Commission, a subgroup to be known as the ''Louisiana Water Resources Council''.

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) DUTIES.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

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

(5) TERMINATION.—

(A) IN GENERAL.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) EFFECT.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) OTHER PROJECTS.—

(1) IN GENERAL.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

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

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

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

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

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

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

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

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

(1) by striking ''SEC. 221'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.''

; and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2007 and each fiscal year thereafter''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

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

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the ''Coordinating Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) 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.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with section 515 of Public Law 106–554 (114 Stat. 2763A153) (commonly known as the ''Information Quality Act''), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

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

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 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) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

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

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may 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 for technical and scientific sufficiency.

(7) 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 the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless

the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of

June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment.

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

''(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

''(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) applicable university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423) is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

''SEC. 563. HOPPER DREDGE MCFARLAND.

''Not later than 2 years after the date of enactment of the Water Resources Development Act of 2006, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge McFarland.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

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

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''National Dam Safety Program Act of 2006''.

(b) REAUTHORIZATION.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding '', and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'' after ''expended'';

(2) in subsection (b), by striking ''$500,000'' and inserting ''$1,000,000'';

(3) in subsection (c), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'';

(4) in subsection (d), by inserting before the period at the end the following: '', and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended''; and

(5) in subsection (e), by inserting before the period at the end the following: '', and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended''.

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$75,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''25,000,000'' and inserting ''$50,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation

project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

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

(1) by redesignating subsection (e) as subsection (g); and

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

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting ''injunction and payment of liquidated damages, for''; and

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

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

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

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''SEC. 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''National Levee Safety Program Act of 2006''.

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term ''assessment'' means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term ''Committee'' means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term ''inspection'' means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term ''levee'' means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term ''State levee safety agency'' means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' by inserting before the period at the end the following: ''*Provided*, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for

flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V'' at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share

of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended by adding at the end the following: ''The Secretaries, in cooperation with non-Federal agencies, are directed to expedite the Project Alternative Solution Study and to provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report by not later than June 30, 2006.''.

SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N.

103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the ''Senator William V. Roth, Jr. Bridge''.

(b) REFERENCES.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking ''7.1-mile reach'' and inserting ''7.6-mile reach''.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''$5,000,000'' and inserting ''$20,000,000''.

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) **IN GENERAL**.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking ''$219,600,000'' each place it appears and inserting ''$430,000,000''.

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System,

Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: ''and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites''.

SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the ''Outlet''), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the ''Assistant Secretary'') pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3062. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the ''River and Harbor Act of 1960''), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more

particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

''SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

''(a) DEFINITIONS.—In this section:

''(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

''(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

''(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

''(B) develop and implement projects consistent with the management plan.

''(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

''(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

''(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

''(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

''(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

''(C) plan, design, and implement projects consistent with the management plan; and

''(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

''(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

''(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

''(1) the management plan; and

''(2) the strategic implementation plan developed under subsection (c)(1)(A).

''(e) COST SHARING.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

''(A) shall be 25 percent of the total cost of the project or development; and

''(B) may be provided through the provision of in-kind services.

''(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

''(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

''(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) IN GENERAL.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the ''Bonnet Carre Freshwater Diversion Project'', in accordance with this section.

(b) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) MISSISSIPPI AND LOUISIANA.—

(A) IN GENERAL.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable.

(B) DEADLINE.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) FAILURE TO PAY.—

(A) LOUISIANA.—In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) MISSISSIPPI.—In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) ALLOCATION.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and

official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions

for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

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

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

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''$5,000,000'' and all that follows through ''2005'' and inserting ''$25,000,000''.

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the ''River and Harbor Act of 1946'') (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act

entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2015.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson

County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled ''Connecticut River Restoration Authority'', dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the

implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or'';

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking ''The non-Federal'' and inserting the following:

''(i) IN GENERAL.—The non-Federal''; and

(ii) by adding at the end the following:

''(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.''; and

(B) in subparagraph (C), by striking ''up to 50 percent of''; and

(3) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$20,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

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

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90

Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910'') and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies''.

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including

the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).''.

SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term ''Upper Ohio River and Tributaries Navigation System'' means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for

Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.

SEC. 4012. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled ''Johnson Creek: A Vision of Conservation, Arlington, Texas'', dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C.

2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring are—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2010''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal

Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

''SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

''There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).''.

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2006''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term ''States'' means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the ''Missouri River Recovery Implementation Committee'' (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in

the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational

Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6045. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6048. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the

portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5_____. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) BARRIER.—The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) CITY.—The term ''City'' means the city of Providence, Rhode Island.

(b) RESPONSIBILITY FOR ANNUAL OPERATION AND MAINTENANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) IDENTIFICATION AND CONVEYANCE OF APPLICABLE LAND.—

(1) IDENTIFICATION.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5_____. FIELDS POINT URBAN WATERFRONT RESTORATION, RHODE ISLAND.

The Secretary shall carry out the project for reclamation and environmental restoration of the waterfront around Fields Point, Rhode Island, at a total cost of $5,000,000, with an estimated Federal cost of $3,250,000 and a non-Federal cost of $1,750,000, including portions of the project relating to—

(1) the removal of in-water pilings and other dilapidated marina structures;

(2) shoreline stabilization;

(3) the reintroduction of marine vegetation; and

(4) general habitat restoration.

SA 4679. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

SA 4680. Mr. SPECTER (for himself and Mr. CARPER) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2020 and insert the following:

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2006, at 9:30 a.m., in open session to consider the following nominations: Honorable Charles E. McQueary to be Director of Operational Test and Evaluation, Department of Defense; Anita K. Blair to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Benedict S. Cohen to be General Counsel of the Department of the Army; Frank R. Jimenez to be General Counsel of the Department of the Navy; David H. Laufman to be Inspector General, Department of Defense; Sue C. Payton to be Assistant Secretary of the Air Force for Acquisition; William H. Tobey to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; and Robert L. Wilkie to be Assistant Secretary of Defense for Legislative Affairs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2006, at 2 p.m., to conduct a hearing on ''Perspectives on Insurance Regulation.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. The purpose of this oversight hearing is to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role nuclear power can play in meeting those needs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. to hold a hearing on Islam and the West.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Department of Justice Oversight'' on Tuesday, July 18, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216.

Witness list

Panel I: The Honorable Alberto Gonzales, The Attorney General, Department of Justice, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2006, at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 18, 2006, at 2:30 p.m. for a hearing regarding What You Don't Know Can Hurt You: S. 2590, the Federal Funding Accountability and Transparency Act of 2006.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, July 18, 2006, at 10 a.m. for a hearing entitled, Examining the Challenges the District will Face Today, Tomorrow, and in the Future.

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

PRIVILEGES OF THE FLOOR

Mr. SMITH. I ask unanimous consent Barbara Quinones, an intern in my office, be granted floor privileges for the remainder of today's debate.

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

Mr. HARKIN. On behalf of Senator BAUCUS, I ask unanimous consent that Thad Seegmiler, a Committee on Finance intern, be accorded floor privileges during consideration of the stem cell legislation.

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

Mr. HARKIN. I ask unanimous consent that Anne Michael Langguth and Bryan Klopack be granted floor privileges for the duration of today's session.

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

Mr. INHOFE. Mr. President, I ask unanimous consent Let Mon Lee, a senior fellow in Senator BOND's office, be given floor privileges during the consideration of S. 728.

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

Mr. INHOFE. Mr. President, I ask unanimous consent on the minority staff, Caroline Ahearn and April Richards, legislative fellows, have floor privileges during the duration of the 109th Congress.

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

Mr. INHOFE. I ask unanimous consent Kathleen Warner, Justin Contratto, and Patricia Castaldo, EPW Committee interns, have floor privileges during the duration and consideration of S. 728.

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

AUTHORITY TO SIGN DULY-AUTHORIZED BILLS AND JOINT RESOLUTIONS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that during the adjournment the junior Senator from South Carolina be authorized to sign duly-enrolled bills or joint resolutions

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

TO EXEMPT PERSONS WITH DISABILITIES FROM THE PROHIBITION AGAINST PROVIDING SECTION 8 RENTAL ASSISTANCE TO COLLEGE STUDENTS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5117 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5117) to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5117) was read a third time, and passed.

UNANIMOUS CONSENT AGREEMENT—S. 403

Mr. DEWINE. Mr. President, I ask unanimous consent that on Thursday, July 20, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 16, S. 403, the Child Custody Protection Act.

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

ORDERS FOR WEDNESDAY, JULY 19, 2006

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate stand in adjournment until 9:30 a.m. on Wednesday, July 19. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; I further ask that following morning business, the Senate resume consideration of S. 728, the Water Resources Development Act.

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

PROGRAM

Mr. DEWINE. Tomorrow we will resume consideration of the Water Resource Development Act. We hope to complete consideration of that bill tomorrow afternoon. Under the agreement, we have nine amendments in order, two of which we have disposed of today. Tomorrow will be a busy day as we finish our work on the remaining amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Wednesday, July 19, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2006:

DEPARTMENT OF STATE

CLYDE BISHOP, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

MARK R. DYBUL, OF FLORIDA, TO BE COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY, WITH THE RANK OF AMBASSADOR, VICE RANDALL L. TOBIAS, RESIGNED.

NATIONAL MEDIATION BOARD

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010. (REAPPOINTMENT)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

STEPHEN M. PRESCOTT, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING APRIL 15, 2011, VICE HERBERT GUENTHER, TERM EXPIRED.

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES A. BUNTYN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GREGORY E. COUCH, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY L. AKINS, 0000
JAMES F. ATKINSON III, 0000
MARK J. BAUER, 0000
CHARLES C. BLACKISTON III, 0000
DARYL L. BOHAC, 0000
GERARD F. BOLDUC, JR., 0000
DONALD J. BONTE, JR., 0000
CHRISTOPHER L. BRICKER, 0000
CRAIG A. CAMPBELL, 0000
FRANCIS X. CARILLO, JR., 0000
ROBERT F. CAYTON, 0000
SEABORN W. CHAVERS, JR., 0000
MICHAEL B. COMPTON, 0000
JEFFREY CURRY, 0000
LOUIS DANNER, 0000
JOSEPH C. DARROW, JR., 0000
JOSEPH E. DELUCA, 0000
ROBERT E. DOLANSKI, 0000
BRIAN T. DRAVIS, 0000
JOHN C. ELWOOD, 0000
JERRY L. FENWICK, 0000
ROSS W. FLYNN, 0000
JOHN D. GAICH, 0000
GERALD L. GALLMEISTER, 0000
CHRISTIAN J. GATZ, 0000
MARK P. GAUL, 0000
KEVIN D. GRAZIER, 0000
MICHAEL F. HALTOM, 0000
JOHN D. HART, 0000
HENRY H. HEARD, 0000
PENNY A. HEINIGER, 0000
JOEL E. HENNESS, 0000
DEBBIE L. HENSON, 0000
LANCE A. HESTER, 0000
JOHN J. HIGGINS, 0000
BRICE R. HUDDLESTON, 0000
SIDNEY B. JACKSON, 0000
MARK E. JANNITTO, 0000
HARLEY C. JERGENSEN, 0000
SUDHIR S. JINDAL, 0000
KARL M. KELLER, 0000
KENNETH D. KING, 0000
JOSEPH C. KINNEY, 0000
TIMOTHY J. LABARGE, 0000
KEITH I. LANG, 0000
JAMES S. LOTT, JR., 0000
MATTHEW S. LYNDE, 0000
PAUL C. MAAS, JR., 0000
MARK E. MAIER, 0000
LORI E. MARION, 0000
LEONARD H. MATTINGLY, 0000
WILLIAM E. MCARDLE, 0000
MICHAEL C. MCENULTY, 0000
GAIL A. MCGINLEY, 0000
GORDON S. MCKINLEY, 0000
ROBERT E. MONTGOMERY, 0000
FELIPE MORALES, 0000
KEITH A. NEWELL, 0000
MARK S. NOVAK, 0000
JOEL F. PANNEBAKER, 0000
HAROLD A. PARTIN, JR., 0000
ROBERT A. PAULUKAITIS, 0000
MARCUS J. QUINT, 0000
JOHN J. RANKIN, 0000
NICHOLAS S. RANTIS, 0000
MICHAEL D. REGAN, 0000
KIM A. RUTHERFORD, 0000
MARY A. SALCIDO, 0000
JOSE J. SALINAS, 0000
IAN R. SANDERSON, 0000
WAYNE A. SCHELLER, 0000
RALPH L. SCHWADER, 0000
DIANA M. SHOOP, 0000
KEITH A. SMITH, 0000
DAVID SNYDER, 0000
DANIEL R. STEINER, 0000
KENDALL S. SWITZER, 0000
GLENN A. TAYLOR, 0000
KEVIN W. TECHAU, 0000
GARY M. TURNER, 0000
TIMOTHY R. VAUGHAN, 0000
JAMES K. VOGEL, 0000
ROBERT E. WATERS, JR., 0000
MICHAEL J. WILLIAMS, 0000
KENNETH W. WISIAN, 0000
JEFFREY J. ZILLINGER, 0000
GLENN ZIMMERMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A RESERVE OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BEN M. SMITH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SIDNEY E. HALL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAWN M. DIVANO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. LAVELLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GARY C. NORMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

NEAL D. AGAMAITE, 0000
ALEXANDER J. BORZYCH, 0000
DAVID C. KLEINBERG, 0000

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during today's votes on H.R. 3085, regarding the Trail of Tears National Historic Trail; H.R. 3496, the National Capital Transportation Amendments Act; and H.R. 3729, the Federal Judiciary Emergency Tolling Act.

Had I been present, I would have voted in favor of each bill.

CELEBRATING NURSING AND KHALIL KHOURY, MSC PHARM, BSN, RN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. CAPPS. Mr. Speaker, as a Member of Congress who is a registered nurse and cares deeply about fostering dialogue between Arabs and Israelis, I wanted to share an inspiring story that appeared in the July 2006 issue of the American Journal of Nursing. Khalil Khoury, MScPharm, BSN, RN is head nurse of an internal medicine unit at Hadassah University Medical Center in Jerusalem where Prime Minister Ariel Sharon was treated in December 2005. At a time of such hopelessness and extraordinary tensions between Palestinians and Israelis, Khalil's story provided me with a little bit of hope and optimism that all is not lost in the Middle East. I urge my colleagues to take note of this story and hope it instills that same bit of hope in you.

[From the American Journal of Nursing, July 2006]

THE HOSPITAL AS SANCTUARY: AN ARAB NURSE WHO CARED FOR ISRAEL'S STRICKEN PRIME MINISTER

(By Khalil Khoury)

I am head nurse on a unit known as Internal Medicine A at Hadassah University Medical Center in Jerusalem. This is where former prime minister Ariel Sharon was admitted for several days after a minor stroke on December 18, 2005. (He subsequently suffered a major cerebral accident on January 5, 2006, from which he has not recovered.) During his first hospitalization, my staff of Arab and Jewish nurses cared for him in an atmosphere of mutual respect—a sharp contrast to life outside of the hospital walls.

Internal Medicine A is a microcosm of Israel. Of 40 nurses under my supervision—all Israelis—one-third of us are Christian or Muslim Arabs and the rest are Jews. Yet we work together as a harmonious unit, an approach that is the basis for the humane way we treat our patients. I think of my workplace as an island of sanity within the insanity that surrounds us. As an Israeli citizen, I have the same rights as Jewish Israelis, but when security guards at a shopping center or coffee shop see me or hear me speaking Arabic to a companion, they demand to see my identification and search my bag more thoroughly than those of others. My professional accomplishments, my integration into Israeli society, my triumphs over the odds against Arabs in my country—none of this matters.

I was born in Haifa in 1971, and my parents—a construction worker and a housewife—raised me to respect humankind, to accept others and to help them. This led me to nursing, but my career choice was also a practical decision. Because they are perceived as security risks, Israeli Arabs can get jobs in nursing more easily than they can in other fields, such as high tech or the military. I enrolled at the Hadassah-Hebrew University School of Nursing in Jerusalem in 1992; when I graduated in 1996, I immediately went to work as an RN on Internal Medicine A. I was named head nurse in 2001.

When the prime minister was assigned to our department, there was considerable media excitement. ''The team that treats prime minister Sharon includes Arabs,'' commentators proclaimed. Given the political situation in Israel, the presence of Arabs on the treatment team was considered exceptional. Yet inside the hospital, we performed our duties exactly as we would for any patient. The only substantive difference was the necessity of accommodating the prime minister's security staff in an adjoining patient room with a connecting door and the political staff in one of our two doctors' lounges. We cared for the prime minister and prepared and administered his medications, including injections, all without interference from the bodyguards who were at the bedside around the clock.

I learned about my own prejudices from the experience of being one of Sharon's nurses. Before meeting him during his first hospitalization in 2005, I would have described him as tough, formal, distant, and not very nice, based on his public image. But he turned out to be pleasant and polite in conversation; without his bodyguards and political retinue, he would have been considered simply a nice old man.

I don't see Sharon as my enemy, although Israel does not always see Arabs as friends. Fighting stereotypes is what I do almost every day, whether it is prejudice aimed at me as a man in a traditionally woman's profession or as an Arab living and working in Israel. I am helped in this by the principles of nursing, which emphasize patience and tolerance toward others, without regard to race, religion, sex, or nationality. This is how I was raised, and working at Hadassah has strengthened my commitment to these values.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. ANDREWS. Mr. Speaker, I regret that, due to transportation problems, I missed 3 votes on July 17, 2006. Had I been present I would have voted "yea" on H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; "yea" on H.R. 3496, the National Capital Transportation Amendments Act of 2005; and "yea" on H.R. 3729, the Federal Judiciary Emergency Tolling Act of 2005.

CFIUS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OXLEY. Mr. Speaker, recognizing the importance of America's longstanding free trade policies and the many benefits of direct foreign investment in our country, I commend to the attention of my colleagues this excellent Wall Street Journal piece by Douglas Holtz-Eakin.

Mr. Holtz-Eakin rightly notes that congressional overreaction in the area of CFIUS reform would do great harm to our economy and result in protectionist retaliation by our trading partners.

[From the Wall Street Journal, Jul. 13, 2006]

YOU CAN'T BE CFIUS

(By Douglas Holtz-Eakin)

The ongoing legislative effort to reform the Committee on Foreign Investment in the United States (CFIUS) has suddenly been put on the fast track. In particular, Senate Banking Committee Chairman Richard Shelby is asking for unanimous consent by the full Senate to vote on his bill with no debate over whether key provisions are in the national interest. Unfortunately, there is a big downside risk in precipitous action.

Earlier this year, international investors looked askance when an acquisition—the purchase by Dubai Ports World (DPW) of Peninsular and Oriental Steam Navigation Company (P&O)—dissolved into political controversy because the deal included terminal operations at a number of U.S. ports. Yet even though this impasse came on the heels of heavy-handed congressional interference in Chinese National Offshore Oil Corporation's proposed purchase of American oil company Unocal, hope remained that this was all a brief departure from the U.S. tradition of open international investment.

Hope took a hit in the solar plexus last month during the Senate debate over the U.S.-Oman free trade agreement. Sen. Byron Dorgan objected to an obscure provision covering ''land-side aspects of port activities,'' arguing that it would obligate the U.S. to turn over to Omani interests the same kind of port operations that were disputed in the DPW affair. The Oman agreement ultimately was approved by the Senate. But the eagerness of politicians to play the DPW card bodes ill for the future.

Congress may not appreciate what is at stake. Far from being in continuous conflict, open capital markets and national security support one another. A strong economy is

part of national security, and among developed economies the U.S. has experienced uniquely strong productivity growth in the past decade, A key ingredient for this success has been openness to global trade in goods, services and capital. Currently, U.S. subsidiaries of international companies have over five million employees and pay compensation of over $300 billion each year, or about $60,000 per employee. The vast bulk of these investments have come from countries belonging to the OECD (over 90%) and a small minority is undertaken by firms with government control.

CONGRESSIONAL MEDDLING WILL RETARD FOREIGN INVESTMENT

Transactions do arise (and have arisen) in which security consideration overwhelm their financial desirability. To date, the CFIUS process has worked well to support well-functioning, open capital markets with specific carve-outs for transactions that pose a national security threat. CFIUS did its security job, but it failed miserably in other respects. Congress, which created the security-screening authority with the Exon-Florio legislation nearly two decades ago, was left too much in the dark. Suspicious of security gaps and frustrated by its inability to exercise appropriate oversight, Congress has seized the opportunity to revisit the entire issue.

And therein lies a danger. While global investors watch nervously, the Senate has raised the specter of wholesale politicization of investment approvals—requiring notices to governors and congressional delegations of proposed purchases in their states; ranking countries by their cooperation in the war on terror and nuclear nonproliferation and basing the severity of security reviews on these published rankings; adding bureaucratic delays for investments that don't raise security concerns; and drawing Congress into the middle of the review process. The potential for damage to the U.S. investment climate is quite real.

More productive would be to drop the legislative approach entirely. After all, what is the rush? Once our genuine national interests are clarified, the president can take advantage of Treasury Secretary Hank Paulson's 30 years of experience in cross-border transactions and issue an improved executive order revising the marching orders for CFIUS to include greater transparency, improved cooperation with Congress and improved monitoring of compliance. The Treasury has already appointed a new deputy assistant secretary position devoted to CFIUS reviews.

It is important to eliminate any lingering threat of politically driven reviews that will boomerang and directly hurt U.S. global investments. The greatest danger lies in other countries using recent U.S. missteps as a pretext for protectionist rules draped in the guise of national security. Press reports indicate that China will tighten screening of deals, and impose new curbs oil foreign acquisitions by setting up a ministry-level committee to review controlling stakes in strategic industries including steel and the manufacturing of equipment for shipbuilding and power generation. A trend toward restricted capital markets would greatly damage the global economy, especially at a time when multilateral trade liberalization is losing steam. It would also directly hurt U.S. interests. To reduce this danger we need presidential leadership, and no more interference by Congress.

Mr. Holtz-Eakin, director of the Maurice R. Greenberg Center for Geoeconomic Studies at the Council on Foreign Relations, was chief economist of the president's Council of Economic Advisers from 2001 to 2002.

CELEBRATING THE 60TH ANNIVERSARY OF THE CITY OF GUADALUPE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to the City of Guadalupe, located on the Central Coast of California. I celebrate with the residents of Guadalupe today, remembering that on August 3, 1946, the County Board of Supervisors approved the City of Guadalupe as a Municipal Corporation.

Guadalupe was founded in 1843 as one of the earliest communities on the Central Coast. At the time of its founding, it was known as Rancho de Guadalupe and the land was first obtained as part of a Mexican Land Grant. The community developed economically through raising cattle, the dairy industry, and later, vegetable farming, About 6,500 people currently live in Guadalupe. Guadalupe's very diverse population is a reflection of early Chinese, Swiss, Italian, German, Portuguese, Filipino, African American, Hawaiian and Hispanic immigrants to the region.

In addition to Guadalupe's rich cultural heritage, it is also known as the home to the popular Guadalupe Dunes, an area of great physical beauty. The Dunes Visitor Center is located in a 1910 Craftsman style home right in the heart of Guadalupe. The Center provides environmental education in partnership with local schools and offers over 200 guided walks and talks each year. Many residents of the Central Coast know Guadalupe as the location of the Far Western Tavern, famous for their Santa Maria Style BBQ and their ''Suzie Q's'' line of beans, salsa, seasoning and more. Guadalupe is a small town with a lot of history. In fact, it is famous for providing the backdrop for Cecil B. Demille's ''The 10 Commandments.''

Though still a small, quiet community, the City of Guadalupe, like many areas on the Central Coast, continues to grow. I am pleased to be able to celebrate with Mayor Alvarez and the residents of Guadalupe, looking fondly at the past and looking forward to the future.

TRIBUTE TO MR. TERRI POTTER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the tireless work and dedication shown by Mr. Terri Potter of Madison, Wisconsin. After 35 years devoted to the development and improvement of Meriter Health Services, Terri Potter is retiring from his position of CEO and President of the organization.

From the local to the federal level, Mr. Potter has been pioneering initiatives to improve health care policy in various areas, including, but not limited to, patient care, health care access, and health care reporting. Under Terri Potter's direction, Meriter Health Services has become one of Madison's top ten employers and remains the only community health care system in the city.

Terri Potter's leadership has led Meriter Health Services through momentous growth. From the early 1980s with the merger of Methodist Hospital and Madison General to the present, Mr. Potter has guided its development He has overseen the development of Physicians Plus Insurance Corporation, Meriter Health Enterprises, Meriter Retirement Services, and Meriter Foundation into successful ventures. Mr. Potter has a strong commitment to Meriter Health Services and the community.

I feel privileged to have had the opportunity to honor this man today. Madison and the state of Wisconsin are fortunate and grateful to be beneficiaries of Terri Potter's work at Meriter. Thank you, Mr. Potter, and best of luck with your future endeavors.

TRIBUTE TO RADM TERRY L. ''T'' MCCREARY, UNITED STATES NAVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize RADM Terry L. ''T'' McCreary on the occasion of his retirement as the Navy's Chief of Information after 28 years of dedicated service to our Navy and the Nation.

Before becoming a public affairs officer, Admiral McCreary joined the Navy as a surface warfare officer. His service to our Nation has taken him around the globe during some of the most important military operations in our recent history. As a junior officer, he completed several deployments in the Pacific Fleet onboard the USS *O'Brien* (DD 975). He also served on the staff of the Seventh Fleet, based in Japan, and with the Fifth Fleet in the Persian Gulf.

I first came to know Admiral McCreary during Operation Desert Storm, when he served as the public affairs officer for the battleship USS *Missouri* (BB 63) in the Persian Gulf. He is a student of history and a scholar, but is remarkable for his candor and insight, traits that have served him and the Navy well during his career.

Admiral McCreary has excelled in positions of leadership in the joint force. He served with skill as the public affairs officer for the U.S. Pacific Command, and also as the Special Assistant for Public Affairs to both GENs Hugh Shelton and Richard Myers in their capacity as Chairman of the Joint Chiefs of Staff.

In the Pentagon on September 11, 2001, he was instrumental in accurately depicting the work and sacrifices of our men and women in uniform. He oversaw the plan to embed journalists with our forces in Iraq to bring the news from the front directly to the American people.

Rear Admiral McCreary assumed the duties as the Navy's Chief of Information in July 2003. He has provided sound counsel to the Secretary of the Navy and the Chief of Naval Operations and has ably directed the 3,500 sailors and civilian communication professionals under his care. He has skillfully built a sound foundation for the future of strategic communications in the Navy.

With his intimate knowledge of public affairs across the spectrum of military operations, his

advice has been sought by officials both inside and outside of government. Admiral McCreary has been the right person, in the right job, at the right time for the U.S. Navy.

I know Rear Admiral McCreary's contributions to our Nation will continue. As he retires, I want to offer him and his wife, Jopat, my personal appreciation for their service and wish them well as they begin this new phase of their lives together.

TRIBUTE TO THE U.S. COAST GUARD AIR STATION IN TRAVERSE CITY, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to the members of the U.S. Coast Guard Air Station in Traverse City, MI, whose heroic efforts on the night of July 8, 2006, saved the lives of two young men adrift on Lake Michigan.

When the boys did not return home after a nighttime swim, the Air Station dispatched Coast Guard Helicopter 6551 to aid in the search mission. Six hours after the boys' disappearance, the crew of 6551—Lieutenant Joe Klatt, Lieutenant Gabe Somma, Aviation Electronic Technician Third Class Bobby Teal, and Chief Aviation Survival Technician Kurt Revels—spotted them clinging to a raft near the Mackinac Bridge on the last leg of their assigned search area. With limited fuel, the crew of 6551 commenced a daring rescue. Lieutenant Klatt flew the helicopter into a stable position; Petty Officer Teal used the rescue hoist to lower Chief Revels into the rough night waters; Chief Revels loaded the young men into the rescue basket; Petty Officer Teal hoisted them into the safety of the helicopter; and Lieutenant Somma navigated the craft to Pellston Airport, where emergency services successfully treated the boys for hypothermia.

On behalf of the Fourth Congressional District, I applaud the Traverse City Coast Guard Air Station for its tireless efforts to protect the lives and ensure the safety of every person under their watch. The heroism of the crew of Helicopter 6551 illustrates why this Coast Guard Air Station is the only unit to have received the prestigious Coast Guard Aviation Training Center Standardization Excellence Award for 3 consecutive years.

HONORING PHILIP BINKLEY FOR 30 YEARS OF INSTRUCTING YOUNG MUSICIANS AT LOMA LINDA ACADEMY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to an extraordinary music teacher who is retiring after 44 years of educating and encouraging youth to strive toward musical excellence, thirty years of which were spent enlightening the minds of students at Loma Linda Academy.

Philip Binkley's interest in music began at an early age and continued throughout his life. By receiving both a Bachelor's and a Master's Degree in Music Education, Mr. Binkley proved his sincere devotion to educating others. During his 30 years at the Loma Linda Academy, Mr. Binkley led the school's highest level symphonic band at performances around the globe, setting new standards of achievement. The Loma Linda Academy Symphonic Band was the first high school symphonic band to perform at the Crystal Cathedral in Garden Grove, California, and was one of only nine U.S. and Canada bands selected to perform at the World Exposition in Brisbane, Australia.

Mr. Binkley's continual encouragement strengthened the self-confidence and musical proficiency of each student, resulting in worldwide recognition of the Loma Linda Academy Symphonic Band. In 1992 they captured first place runner-up at the International Music Festival held in Sweden, and won the gold medal at the Munich International Music Festival in 1995, During that same year they represented the United States at the Vienna Klangbogen Festival in Germany.

Mr. Binkley's commitment to his students did not stop at musical excellence; rather he made it a priority to encourage his pupils to live up to the highest standards of integrity. On each trip overseas, he included in the daily itinerary a unique statement which served to remind his students of the importance in serving as model citizens of the United States. Through the Loma Linda Academy Symphonic Band, Mr. Binkley strived to represent to other nations the positive qualities of America's youth.

Outside of teaching, Philip Binkley chose to serve his community by acting as the Minister of Music at several churches in Florida and California. By devoting time to local churches, he was able to expand the musical knowledge of hundreds of individuals. Mr. Binkley's dedication was rewarded with the Loma Linda Teacher of the Year award in 1992 and 2006, and in being named Teacher of Excellence by the Alumni Awards Foundation in 2006.

Mr. Speaker, Philip Binkley has certainly succeeded in becoming an exemplary model of a teacher's commitment to students. Please join me in thanking Mr. Binkley for a lifetime of devotion to the musical education of America's youth, and in wishing him well in his years to come.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WELLER. Mr. Speaker, on rollcall Nos. 375, 376, and 377 my flight was delayed and I did not arrive in Washington until after the votes were over.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OWENS. Mr. Speaker, I was absent on Monday July 17, 2006 due to unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "yea" to H.R. 3085—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; "yea" to H.R. 3496—National Capital Transportation Amendments Act of 2005 and "yea" to H.R. 3729—Federal Judiciary Emergency Tolling Act of 2005.

TRIBUTE TO WILLIAM KARNET "BILL" WILLIS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. REGULA. Mr. Speaker, I rise today to salute the achievements of William Karnet "Bill" Willis of Columbus, Ohio.

Mr. Willis was a 3-year starter for The Ohio State University and starred on the 1942 National Championship football team as a sophomore. He was twice recognized for his football talents as an All-Big 10 honoree while at The Ohio State University.

After college, Mr. Willis served as the Head Football Coach and Athletic Director of Kentucky State College in 1945. He subsequently signed a contract on August 6, 1946 with the Cleveland Browns to play professional football in the first year that the All-American Football Conference competed.

Upon signing his contract with the Cleveland Browns, Mr. Willis broke the color barrier in professional football a full year before Jackie Robinson broke the color barrier in Major League Baseball. With this landmark achievement, Mr. Willis became a role model for others.

Continuing his role as a trailblazer, Mr. Willis played in the first three Pro Bowl games for the National Football League. Specifically, the game-winning tackle by Mr. Willis in the divisional playoff between the New York Giants and the Cleveland Browns propelled the Cleveland Browns to the 1950 National Football League Championship.

Mr. Willis played professional football with the Cleveland Browns for the 8 years from 1946 to 1953.

After his football career, Mr. Willis was appointed to the Ohio Youth Commission in 1963 and was named Commission Director. He is a member of the City of Columbus Hall of Fame in recognition of his accomplishments.

Mr. Willis was inducted into the Professional Football Hall of Fame in 1977 for his outstanding achievements in and contributions toward professional football.

His record of remarkable leadership in helping the young people of Ohio will be a lasting legacy of achievement.

CONGRATULATIONS TO KRISTIE THOMAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize a distinguished individual from my district who was recently crowned Ms. Wheelchair Texas 2006, Ms. Kristie Thomas. The Ms. Wheelchair Pageant, since its establishment in 1972, has promoted the many talents of our disabled citizens as well needs of the mobility impaired.

Ms. Thomas, a native of Hickory Creek, is the pageant's most recent winner. Born 26 years ago with the condition known of cerebral palsy, she has fought for higher quality patient care as well as greater rights for the disabled. As Ms. Wheelchair Texas, Ms. Thomas will be an important spokeswoman for disabled men and women everywhere.

Besides her crown, she also holds a degree in biomedical engineering from Texas A&M University and has established her own Christian clothing company. She also is a professional writer and hopes one day to become a politician.

Mr. Speaker, it is with great to honor that I recognize Ms. Kristie Thomas for her title of Ms. Wheelchair Texas as well as for her continued service to disabled men and women everywhere. I am honored to represent her in Washington, and I know she serves as an inspiration to us all.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SESSIONS. Mr. Speaker, I was granted official leave of absence the week of July 10, 2006. Please let the record reflect, that had I been present, I would have voted ''aye'' on roll No. 374, final passage of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

IN SUPPORT OF THE MEDICARE HOME INFUSION THERAPY CONSOLIDATED COVERAGE ACT

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. GRANGER. Mr. Speaker, last week, I introduced H.R. 5791, the ''Medicare Home Infusion Therapy Consolidated Coverage Act of 2006,'' along with my colleagues, Representatives ENGEL, KUHL and BALDWIN. This legislation will bring life-saving, cost-effective treatment to Medicare beneficiaries suffering from cancer, serious infections and other conditions that can and should be treated by home infusion therapy. It does so by first consolidating Medicare coverage of home infusion therapy under Part B and then by covering it in a rational and logical manner.

Infusion therapy involves administering medications directly into a patient's bloodstream via a catheter or needle. Infusion therapy is medically necessary for patients with medical conditions that cannot be treated effectively with oral medications. These include infections that are unresponsive to oral antibiotics, cancer and cancer-related pain, multiple sclerosis, rheumatoid arthritis and more. The infusion therapies needed to treat these diseases involve more than the simple delivery of drugs. Rather, patients receiving home infusion therapy require an array of professional services.

In addition, infusion patients also require specialized equipment and supplies. Even with all of these services and supplies, home infusion therapy is often far more cost-effective than obtaining treatment in a hospital or nursing home. Unfortunately, there are gaps in coverage under Medicare. Consequently, the Medicare program and its beneficiaries are not able to take full advantage of the cost savings and innovations made possible through home infusion therapy.

Current Part B coverage of home infusion therapy is limited to what is covered under the durable medical equipment benefit, where coverage is based on the use of an item of DME (i.e., an infusion pump) for administration and extends only to a few drugs. More infusion drugs are coverable under the Part D outpatient prescription drug benefit, but CMS has determined that it does not have the authority to cover the related services, supplies and equipment under Part D. As a result, most beneficiaries who cannot afford to pay these costs out-of-pocket are forced back into hospitals and nursing homes for their infusion treatments. This is a great inconvenience to patients and creates an added cost to the taxpayers—a cost that could be avoided.

Properly provided, home infusion therapy is a clinically and cost-effective medical treatment for serious diseases. Medicare beneficiaries should not continue to be denied access to these therapies because of definitional and coverage policies that do not reflect the components or the costs of care. Congress can fix this by consolidating coverage for home infusion therapy under Part B, apart from the DME benefit. In doing so, we can ensure that our constituents gain access to these therapies in the most cost-effective and convenient setting—their homes.

Under commercial health plans, home infusion usually is covered as a major medical benefit. We should ensure that Medicare can do the same. Part B is able to accommodate and reimburse for the multi-faceted components of a major medical benefit. My bill allows us to use this existing structure to make home infusion therapy work for Medicare beneficiaries.

Every day that passes without complete Medicare coverage of home infusion therapy is a missed opportunity to bring cost-effective care in to the most convenient setting to beneficiaries. I urge my colleagues to support this critical legislation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on following bills on July 17, 2006:

H.R. 3729, Federal Judiciary Emergency Tolling Act (roll No. 377): Had I been present, I would have voted ''aye.''

H.R. 3496, To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes (roll No. 376): Had I been present, I would have voted ''nay.''

H.R. 3085, To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes (roll No. 375): Had I been present, I would have voted ''aye.''

CIVIC RESPONSIBILITY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. RAMSTAD. Mr. Speaker, I rise today to submit an article on promoting civic responsibility that was brought to my attention by a constituent, Gopal Khanna. Mr. Khanna knows a great deal about civic responsibility, having served as a community and business leader, as well as Chief Financial Officer of the Peace Corps. This article outlines the very significant work being done to promote civic responsibility among immigrants, citizens and institutions in America. Thank you, Mr. Speaker.

CHERIAN PUSHES CIVIC RESPONSIBILITY AS MEDIUM FOR CHANGE

[From the India Abroad, May 19, 2006]

(By Aziz Haniffa)

Dr Joy Cherian has embarked on yet another mission, and discovered another outlet for his social activism.

The man who, 25 years ago, founded the Indian American Forum for Political Education, the first ever Indian American political organization, and went on to become the first Indian American to hold a sub-cabinet level rank position in the US government when he served as Commissioner of the Equal Employment Opportunity Commission in the Ronald Reagan and George H W Bush administrations, signaled his latest direction when, last month, he convened a roundtable conference of the Association of Americans for Civic Responsibility.

Following his stint at the EEOC, Cherian had started his own company, J Cherian Consultants, Inc, which blossomed into a highly successful international government and public relations firm based in Washington, DC. A year ago, he wound that company up and founded the AACR, in conjunction with Syracuse University's School of International Affairs.

The conference, at Syracuse University's Maxwell School of International Relations in Washington, DC, touched on topics as varied as 'The American Immigrant Community and US Immigrant Organizations' and 'The

Role of Small and Midsized Enterprises in Promoting Civic Responsibility by Immigrants'.

Panelists included Dr Michael Schneider, director, Maxwell School of International Relations, who is also chairman of AACR's Advisory Committee; Alysia Wilson, Senior Policy Adviser, US Department of Commerce; Tess Scannell, Director, Senior Corps, Corporation for National and Community Services in Washington, DC; Chad Tragakis and Pavlina Majorosova, vice president and account executive respectively of Hill & Knowlton, Washington, DC; Jennifer K Woofter, president, Strategic Sustainability Consulting, Washington, DC; Mahadeva (Matt) Mani, director, Strategic Markets, AT & T, Oakton, Virginia; Joseph Melookaran, member of the President's Advisory Commission on Asian and Pacific Islanders and Dr Piyush C Agrawal, national coordinator, Global Organization of People of Indian Origin.

While acknowledging that there are no rules and regulations or even informal encouragement of civic responsibility in the federal government, Wilson noted that several agencies have taken their own initiatives in this direction.

Wilson said that it is likely the Administration would soon start a program to train 'private and public sector decision-makers in other countries on ethical issues and on how lack of transparency in their own countries impedes growth and progress.'

Agrawal, who kicked off the immigration panel discussion, spoke of the 'socio-political climate' in the United States, 'which for the most part has created an extremely conducive environment for the immigrants to prosper and become whatever they wanted to be,' and argued that in this process the nation has also progressed to be the affluent superpower that it is.

But, he said, 'it must be pointed out that the history of immigration, as well as the assimilation in this country has not been smooth, Every wave of migrants has paid its dues, going through various types of suffering and discrimination, and even the laws enacted in this country of immigrants have not always been fair and equitable despite the claim of liberty and justice for all.'

Agrawal said the oldest immigrant organization, the Association of Indians in America, established in 1967 'when the USA opened its borders for the first time for legal migration from India,' was an exemplar of communities organizing to fight for their rights.

Such organizations, he said, 'usually take their civic responsibility seriously', and by way of example pointed to the activist role played by the community's various bodies following disasters such as 9/11, the tsunami in South Asia, the Gujarat earthquake, and Hurricanes Katrina and Rita.

'Besides raising hundreds of thousands of dollars for these causes, we continue to serve the daily needs of the poor, the indigent and the downtrodden here in the US through helping out in homeless shelters, food banks, soup kitchens, medical clinics and other civic activities, including but not limited to, voter registration and 'get the vote out' campaigns,' and 'Be Counted' operation for the US Census.'

Melookaran said that small and medium enterprises' (SME) involvement in corporate civic responsibility (CCR) is a vast untapped potential that could dramatically change the face of our communities.

He said that corporate social responsibility or corporate civic responsibility is often built into the strategic planning of big corporate entities. However, 'If you ask a small business owner about his CCR initiatives, you will draw a blank.'

These, he said, was not because such small businesses did nothing in this area, but because big business did not view the work as corporate initiatives, or dignify such efforts by terming them CCRs.

The flip side, he said, was that many SMEs did nothing in terms of CCR, and said such films needed encouragement and guidance. He suggested that the MCR should serve as a clearinghouse for activities and training of CCR for such businesses.

A significant majority of employees in the US are SMEs, and therefore a broad-based effort to stimulate CCR initiatives among this group could have a tremendous impact, and be the vehicle for change in communities across the country.

Mani expanded on the theme, from his perspective of a diversity initiative that is an integral part of AT&T in its CCR activities, while Majorosova talked about charity and volunteerism from a Central and East European perspective from the experiences she has had.

She distinguished how volunteerism is abused under repressive regimes and compared it to how it finds a sense of purpose in free and civic-minded societies.

Scannell, who was the featured luncheon speaker, emphasized the importance of the pool of baby-boomers 'who will be ready to share their civic responsibilities if the activities are tailored to their skills and tastes.'

Cherian told India Abroad that his philosophy in founding AACR was to ''educate and encourage all individuals and institutions in the United States to advance the public good of all the people by engaging in civic responsibilities such as volunteerism, social involvement and community service.''

He said the mission statement of AACR, which he authored, holds that this civic responsibility, that ''springs from one's ethical and moral obligations, is more than just a 'social responsibility,' because 'civic responsibility' requires all members of all sectors of life in the United States to give back to the country based on their privilege or living, working, learning, or doing business in the United States.

''The essence of democracy is the participation of the very people and entities that benefit from its fruits,'' Cherian said, adding that consequently, ''the active performance of civic responsibility is essential for the continuance of the democratic process in tile United States.''

To this end, he said, AACR seeks to foster understanding of the concept of civic responsibility among American citizens, non-citizen US residents, institutions of all kinds.

Admitting that critics see the vision as utopian, Cherian said this was no new thought, but the very philosophy that had guided his founding of the IAFPE more than two decades ago.

He carried that same philosophy over to the Asian American Voters Coalition, which he chaired, and later during his tenure as Commissioner of the EEOC.

''This is something I believe is vital for the future generations of Indian Americans, including my children and grandchildren and everyone else who came here and have made America their home,''he said.

''All of our children and grandchildren will benefit if we give back to society,'' he said. ''We have only to see some of the incidents and historical antecedents of immigrants, including Indians in various parts of the world when they isolate themselves and don't integrate and become part of the mainstream.''

Cherian said the conference ''will be a sort of historic conference because it's the first conference ever exclusively focused on immigrants and civic responsibility.''

TRIBUTE TO STUDENT RECIPIENTS OF COMCAST FOUNDATION'S LEADERS AND ACHIEVERS SCHOLARSHIP FOR 2006

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. MOORE of Kansas. Mr. Speaker, I am very pleased to bring to the attention of the House this year's winners from Kansas' Third Congressional District of the Comcast Foundation's Leaders and Achievers Scholarship for 2006.

This scholarship program recognizes students for their community service, leadership skills, positive attitude and academic achievement. These five students, along with fifteen other Kansas City area student scholarship recipients, will be recognized at an event on July 26 at the Harry S Truman Presidential Museum and Library.

In 2006, this program will grant over $1.7 million, recognizing 1,728 students attending high schools in Comcast-served communities across the United States. Since its inception in 2000, the program has awarded more than $5.8 million in scholarships.

Mr. Speaker, I commend the following award winners from my congressional district:

Caitlin M. Powell, of Olathe, attending Olathe North High School; Francis N. Pamatmat, of Olathe, attending Olathe Northwest High School; William C. Cromer, of Olathe, attending Olathe South High School; Heidi D. Golubscki, of Olathe, attending St. Thomas Aquinas High School; and Jacqueline Behnen, of Overland Park, attending Olathe East High School.

TRIBUTE TO JOHN DEAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating John Dean as he retires as Police Chief of the Waterford Township Police Department. John will be honored for his lifetime of service at a dinner in Waterford Township Michigan on July 28.

John Dean began his career with the Waterford Township Police Department as a 15-year-old cadet. After serving our country in the Marine Corps Reserve, John joined the Detroit Police Force. In 1975 he joined the Waterford Township Police Department as a Patrol Officer. Over the years he has served as an Undercover Officer, Patrol Sergeant, Detective Sergeant, Youth Liaison Officer, Patrol Lieutenant, and Detective Bureau Commander. He was promoted to Police Chief in 2000.

A graduate of the FBI National Academy, John has received many awards for his consummate police work over the years. They include Officer of the Year, Medal for Bravery, Meritorious Service, Waterford Township Employee of the Year, and the Oakland County NAACP's Presidential Award for implementing the policy to end racial profiling by the police department. His retirement plans are to spend more time with his wife, Andrea, and their three sons.

Mr. Speaker, I congratulate John Dean for his exemplary work as a law enforcement officer in Waterford Township. I ask the House of Representatives to join me in applauding his wonderful career and wish him the best in his future endeavors.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SHUSTER. Mr. Speaker, on Monday, July 17, 2006, I could not be present for rollcall votes 375, 376, and 377 due to a previous commitment in my district.

Had I been present, I would have cast the following votes: ''yes'' on rollcall 375 (H.R. 3085—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail); ''no'' on rollcall 376 (H.R. 3496—National Capital Transportation Amendments Act of 2005); and ''yes'' on rollcall 377 (H.R. 3729—Federal Judiciary Emergency Tolling Act of 2005).

HONORING THE DEPARTMENT OF VETERANS AFFAIRS ON RECEIVING THE INNOVATIONS IN AMERICAN GOVERNMENT AWARD FROM THE ASH INSTITUTE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WALSH. Mr. Speaker, as Chairman of the Military Quality of Life and Veterans Affairs Subcommittee, I would like to congratulate the Department of Veterans Affairs on receiving the prestigious Innovations in American Government Award on Monday, July 10 from the Ash Institute in the John F. Kennedy School of Government at Harvard University, for their work in developing and implementing the Veterans Health Information Systems and Technology Architecture (VistA). The VA was one of seven winners who were selected from more than 1,000 entries, including 200 forward thinking federal programs, that implemented a creative approach to a significant problem and demonstrated that their solution worked. This $100,000 award will provide VA the opportunity to share VistA's success story as a role model to other government agencies and the private sector. I am proud of the Department of Veterans Affairs dedication in providing excellence in health care to our Nation's veterans.

The VistA system includes an electronic health record that organizes and presents all relevant patient data to directly support clinical decision-making, and improves safety and efficiency while reducing costs and staff requirements. Patient files are readily available, easily searchable, and proactive in that they alert providers to vital patient information. The records system enables physicians to review a patient's medical history, diagnoses, medications, charts and X-rays at any of the 1,400 VA sites.

At a time when Americans are wrestling with the high cost and complexity of medical services, VA officials point to VistA as the model for delivering on the key components of health care: accessibility, quality, and cost.

Five years ago, VA won an Innovation Award for creating a health management system that worked to reduce medical mistakes. VistA is a system whereby any authorized caregiver in VA's network has immediate access to every veteran's complete electronic medical record.

According to Dr. Jonathan B. Perlin, VA's Undersecretary for Health, the key to the success of the system was the full support of caregivers from the start. In fact, it was VA physicians who pushed for the system. It was developed in-house so that VA had complete control over the design and implementation.

On the quality-of-care front, the system has reduced outpatient medication errors from the national rate of 5 percent to a fraction of 1 percent. The system also enabled VA to manage vaccinations much more effectively, increasing the vaccination rate for pneumonia from 26 to 92 percent in a decade.

Also important, VistA has helped VA offer enrolled veterans better quality care than a decade ago. Their health status, as defined by patient functioning, has measurably improved. All of this has been provided a the same cost per patient as VA expended 10 years ago, while the rest of the country has seen costs nearly double.

This was a proud day for the VA. Secretary Jim Nicholson said ''The VA is now at the forefront of America's health-care industry.''

Once again, I would like to congratulate the veteran health providers at the Department of Veterans Affairs on receiving this well deserved award and thank them for their dedication in providing excellence in health care to our Nation's veterans.

ADDRESS BY FORMER SENATOR SAM NUNN AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by former Senator Sam Nunn, Co-Chairman and CEO of the Nuclear Threat Initiative, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM KEYNOTE ADDRESS

(By Sam Nunn)

I want to thank our guests for joining us today in the United States Senate, where so much deliberation has taken place on how to stop the spread of nuclear weapons, and where the example of Kazakhstan has been welcomed and celebrated as a model of what we must see in the 21st century.

President Nazarbayev is one of the greatest champions of nuclear nonproliferation in the world—not merely by his words, but—most importantly—by his actions and his nation's example.

President Nazarbayev tells a very striking personal story in the prologue of his book Epicenter of Peace. As a child, he remembered having in his home an army rifle that had been taken by one of his relatives—a Kazakh militiaman—in a rebellion against a regular Russian army unit in 1916. One day his grandmother said that the rifle had brought suffering—that it should be cast out of the house. So President Nazarbayev's father took the rifle to the authorities, but not before removing the bayonet, which the grandmother ordered be made into a sickle. She supplied the handle that she made herself from her old spindle. As a young boy, the President used that sickle to cut hay. This childhood event—dismantling a weapon and building from it a tool of peace and commerce—foreshadowed the work of his adult life. It is the heart of the Biblical passage ''they shall beat their swords into plowshares, and their spears into pruning hooks.''

President Nazarbayev dismantled his nation's nuclear weapons and out of that action built a friendship with the United States, an example for the world, and an opportunity for his people to move toward a more promising future. Iran and other nations could learn from Kazakhstan that a nation can grow, modernize, make progress, and gain stature not in spite of renouncing nuclear weapons, but because of it.

Increasing global security also has a critical economic dimension. In making the decision to disarm, President Nazarbayev also chose to use his nation's resources to build an economic base that would benefit all the citizens of Kazakhstan. The world's economy and stability depends on diversifying our energy base—so the Kazakhstan role in energy development is very important. The pressure is appropriately increasing on both governments and industry to embed ''transparent'' processes and good governance practices into their management systems. The government of Kazakhstan clearly understands this issue, given the heightened attention to increased oil production in the Caspian region. The transparency demonstrated by the government of Kazakhstan recently in announcing at a press conference the royalties received for a recent large petroleum project is a very positive step, and one that should be recognized, showcased, and supported widely. Revenue transparency is an issue on which industry and governments will likely continue to face pressure. I applaud the inclusive and constructive approach that has been taken to date, and I encourage all parties involved to continue the dialogue and working together to advance this important topic. Without economic stability—every step in the security arena becomes more difficult.

Let me acknowledge and thank Minister Vladimir Shkolnik for his role both in Kazakhstan's economic development and in its nuclear disarmament example. President Nazarbayev had the personal vision to renounce nuclear weapons, but he also had something just as important. He had in Minister Shkolnik, a man with the determination and the skill to get it done. The world owes you a great debt, Mr. Minister.

I also want to thank Ambassador Saudabayev, who this past August in Athens, Georgia, so graciously presented to me Kazakhstan's highest award to non-citizens. The Ambassador is a vigorous and talented advocate for Kazakhstan's interests in the United States. He has a keen understanding of where our nations' interests intersect, and how we can advance them together. Kazakhstan is fortunate to have a man of his talent in Washington.

It is fitting that we meet here in the halls of the United States Senate, because it was here that the first legislative debate took place on the question of reducing the nuclear threat in the post-Cold War world.

Let us recall what was at stake back in 1991. In December of that year, Vice President Dick Cheney was then Defense Secretary, and he offered this analysis:

''If the Soviets do an excellent job retaining control over their stockpile of nuclear weapons—let's assume they've got 25,000–30,000; that's a ballpark figure—and they are 99 percent successful, that would mean you could still have as many as 250 that they were not able to control.''

So far—strong, visionary actions by many people have kept that dire but plausible scenario from becoming reality. Dick Lugar was an indispensible partner in creating the Nunn-Lugar Program and a central crucial force in the Senate for spending U.S. dollars to help secure nuclear weapons and materials in the former Soviet Union. Graham Allison was a brilliant voice from the outside urging action. At the start, many members of Congress criticized this effort as aid to the Soviet military. Six weeks or so later, the Senate voted 86–8 to spend $400 million to help secure the Soviet nuclear stockpile and limit the spread of nuclear weapons as one country split into fifteen countries, and one nuclear power was replaced by four.

This first vote was not a blank check; it was a challenge. We had to prove to the Congress that Cooperative Threat Reduction made a clear contribution to our national security. The courageous actions of President Nazarbayev, Kazakhstan and Ukraine made a world of difference in proving the effectiveness of our efforts.

I understand the term ''Kazakh'' is a version of a Turkic word meaning ''free or independent''. The moment Kazakhstan became free, it set an independent course among the nations of the world. Its President declared the nation would renounce nuclear weapons. Its parliament voted in 1993 to confirm that—and set in motion the plans to destroy more than one hundred SS–18 ICBMs, each with 10 high-yield warheads, along with other smaller nuclear weapons—a larger nuclear arsenal than held by China, France or the United Kingdom.

President Nazarbayev's view was like his grandmother's: these weapons have caused only suffering; they should be cast out of the country.

The world should understand, more than it does, the Kazakhstani suffering that led to that decision. As everyone here knows, the Soviet Union's premier nuclear test site was located in Kazakhstan at Semipalatinsk, where it was the site of the first Soviet nuclear explosion, and nearly 500 more over the next forty years, more than one hundred of them above ground. Because of the environmental devastation caused by the Soviet nuclear test site at Semipalatinsk, President Nazarbayev ordered the test site closed on August 29, 1991—four months before the collapse of the Soviet Union and 42 years to the day after the first nuclear test there.

The release of radiation at the test site was far more severe than Chernobyl—yet the world hears much of Chernobyl and little of Semipalatinsk. Seventy percent of all Soviet nuclear testing took place there. More than a million people suffered dangerous doses of radiation from exposure to fallout from the test site. Those exposed have suffered high rates of cancer, infant mortality, birth defects, immune deficiencies and nervous system disorders. Many of these health defects don't end with the first generation; they are passed on to children.

It was in large part an understanding of their suffering and a respect for their sacrifice that caused Kazakhstan to become a world leader in renouncing nuclear weapons. Kazakhstan was not only willing to dismantle its nuclear arsenal, but also eager to destroy the test sites.

Kazakhstan and the United States became strong security partners from that decision forward, and money appropriated here in the Congress helped pay for the dismantling of the nuclear weapons, the destruction of the silos and the sealing of the nuclear test tunnels.

That is an impressive record of security cooperation. Yet there is another accomplishment of U.S.-Kazakhstan relations that is a model for nuclear nonproliferation, and that is Project Sapphire. In 1993, Kazakhstani officials approached the U.S. Ambassador in secret, alerting him to the existence, at the lightly-secured Ulba Metallurgical Plant, of 1,300 pounds of weapons-grade uranium—enough to make dozens of nuclear weapons. Both Iraq and Iran were known to be seeking this kind of high-grade material. It was dangerous, plentiful and vulnerable.

After a year of planning, a 31-person team from the United States flew to the region and worked with Kazakhstani experts for six weeks to take the material out of its containers, take precautions to make it safe during transport, repackage it, and then ship it back to the United States on two Air Force transporters. Once securely stored in Tennessee, this uranium was blended down and used to generate civilian power, in a continuation of the ''swords to plowshares'' tradition.

This example shows how indispensable cooperation is in keeping weapons of mass destruction out of the hands of dangerous people. The U.S. team arrived back in the United States in late November. Elections three weeks before had turned leadership of several legislative committees in Congress over to new chairmen, some of whom were opposed to Cooperative Threat Reduction. Project Sapphire offered dramatic and visible proof of the security value of this program and helped strengthen the arguments of those of us who fought to continue funding.

Project Sapphire also provided a model for future operations of this kind—such as an operation four years later in the Republic of Georgia; a recent operation in Serbia called Project Vinca, where NTI working with the U.S., Russian and Serbian officials, removed 100 pounds of highly enriched uranium from the nuclear research reactor near Belgrade; an another successful operation in Romania a few months ago.

The United States and Kazakhstan must intensify our ties across the board—economic, educational, cultural, and especially on matters of security.

We have to continue to work together to shut down Kazakhstan's fast breeder reactor that generated weapons-usable plutonium. We have to make sure the weapons scientists who used to work at the Stepnogorsk anthrax factory can find peaceful work. NTI is working with Kazakhstan now on how to convert an active research reactor from using 90% enriched uranium to low-enriched uranium, and on blending down tons of fresh HEU power reactor fuel for sale as LEU.

Kazakhstan has an important role in global security. Much remains to be done and each crucial step is important to Kazakhstan security, U.S. security and world security.

We must recognize and our priorities and resources must reflect that:

1. The gravest danger in the world today is the threat from nuclear, biological, an chemical weapons.

2. The likeliest use of these weapons are in terrorist hands.

3. Preventing the spread and use of nuclear, biological and chemical weapons should be the central organizing security principle for the 21st century.

Terrorists are racing to get weapons of mass destruction, and we are not yet racing to stop them. The citizens of all nations need to understand that no one—no matter where in the world they live—is safe from the consequences of a terrorist nuclear attack. The economic impact of the September 11 attacks was felt in all parts of the globe. Tourism dollars plunged. Airlines went bankrupt. Corporations announced layoffs.

But a nuclear 9/11 would make World Trade Center attacks look like a warning shot. It would be impossible to calculate the economic costs, because there is no way to calculate how long it would take for citizens to recover the confidence they need to spend and invest. The public would assume that if the terrorists had one nuclear weapon, they could get another. If they would use it in one city, they would use it in another. If even one goes off, it's hard to see how we could fully recover. We have to prevent it from happening—ever.

How difficult is it for terrorists to attack us with a nuclear weapon? That depends on how difficult we make it. No terrorist can launch an attack without weapons-grade material—plutonium or highly enriched uranium. Most terrorists lack the sophisticated infrastructure necessary to produce these materials; they would have to steal or buy them.

So the most effective, least expensive way to prevent nuclear terrorism is to lock down and secure weapons and fissile materials in every country and every facility that has them. The world is in a race between cooperation an catastrophe. To win this race, we have to achieve cooperation on a scale we've never seen or attempted before—not because cooperation will give us a warm feeling of community, but because every. other method will fail.

Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative (NTI), a charitable organization working to reduce the global threats from nuclear, biological and chemical weapons. He is also a senior partner in the law firm of King & Spalding, where he focuses his practice on international and corporate matters. He served as a United States Senator from Georgia for 24 years (1972–1996).

Raised in the small town of Perry in middle Georgia, he attended Georgia Tech, Emory University and Emory Law School, where he graduated with honors in 1962. After active duty service in the U.S. Coast Guard, he served six years in the U.S. Coast Guard Reserve. He first entere politics as a member of the Georgia House of Representatives in 1968.

During his tenure in the U.S. Senate, Senator Nunn served as chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees. His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator Barry Goldwater, and the ''Nunn-Lugar'' Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological and chemical weapons.

In addition to his work with NTI, Senator Nunn has continued his service in the public policy arena as a distinguished professor in the Sam Nunn School of International Affairs at Georgia Tech and as chairman of the board of the Center for Strategic and International Studies in Washington, D.C.

He is a board member of the following publicly held corporations: ChevronTexaco Corporation, The Coca-Cola Company, Dell Computer Corporation, General Electric Company, Internet Security Systems Inc., and Scientific-Atlanta Inc.

He is married to the former Colleen O'Brien and has two children, Michelle and Brian, and one grandchild.

On the nuclear front: the mission is difficult—but it is not complicated. We know where the dangerous and vulnerable materials are; we know what how to be done; we know how to do it; we have made some progress—but not enough.

There remains a dangerous gap between the pace of our progress and the scope and urgency of the threat. The threat extends well beyond the former Soviet Union. There are 100 nuclear research reactors and other facilities in 40 countries using highly enriched uranium—the raw material of nuclear terrorism. Some of it is secured by nothing more than an underpaid guard sitting inside a chain-link fence. In August 2002, when nuclear weapons material was removed from the research reactor near Belgrade, the U.S. and Russia said they were going to move quickly on 24 similar sites. But it's now been over a year and only one additional site has been addressed. Two out of 25 shows the lack of urgency of this work. We can argue as to who is to blame—Russia or the United States or other countries—but the bottom line is that our security is at stake no matter who is to blame.

Most governments and most leaders have still not acknowledged by their actions, by their resource priorities, and by their cooperation that the threat of catastrophic terrorism is the most immediate, most likely, most potentially devastating threat we face; that it threatens all of us equally; that it demands urgent action; that it requires a new level of cooperation. This is the kind of danger that ought to focus our attention—because if we don't prevent this threat, nothing else will matter.

What must we do? NTI has funded a project that brings together a consortium of 21 research institutions across Europe, Russia, the U.S. and Asia to work together on threat reduction. Let me summarize their conclusion:

1. Nuclear weapons and materials—wherever they are in the world—represent a grave danger. We must secure all of it, everywhere, quickly to reduce the terrorist threat.

2. Tactical nuclear weapons must be accounted for and secured.

3. All excess weapons-grade nuclear materials should be secured and then destroyed.

4. Chemical weapons—every one of them—should be secured and destroyed.

5. Biological weapons facilities of the former Soviet Union must be open and transparent. We must help convert these facilities and the labors of the scientists who used to work in them, to peaceful commercial purposes.

The most positive recent development in Cooperative Threat Reduction came in the summer of last year when the G8 nations pledged $20 billion over ten years to launch the Global Partnership and to secure and prevent the read of weapons and mass destruction. Since this announcement many other nations have joined the partnership. Kazakhstan has a great deal to contribute to the partnership, and I hope that you will join. The partnership should include everyone who has something to safeguard and who has something to contribute to safeguarding it. Kazakhstan is unique as an example of leadership.

A great opportunity to accelerate the work of the global partnership comes next summer in Sea Island, Georgia, where the leaders of the G8 will meet again. Either the G8 will dramatically expand its threat reduction efforts, or the Global Partnership will remain a second-tier response to a first-tier threat—and leave grave dangers to our children.

In the race between cooperation and catastrophe, we have taken steps in the right direction, but we're long past the time when we can take satisfaction with step in the right direction. A gazelle running from a cheetah is taking steps in the right direction. It's not just a question of direction; it's a matter of speed.

If a terrorist nuclear device exploded tonight in Washington, New York, Astana, Moscow or London, what would we wish we had done to stop it? Why aren't we doing that now?

ADDRESS BY SENATOR RICHARD LUGAR AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by Senator RICHARD LUGAR, Chairman of the Senate Foreign Relations Committee, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM KEYNOTE ADDRESS BY SENATOR RICHARD LUGAR (R–IN), CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE

It is a pleasure to be here today to celebrate the decision made by Kazakhstan to join the Nuclear Nonproliferation Treaty (NPT) as a non-nuclear state. A little more than a decade ago, when the Soviet Union collapsed, Kazakhstan became the fourth largest nuclear power in the world. But instead of enlarging the nuclear club, Kazakhstan joined Ukraine and Belarus in turning away from weapons of mass destruction. Courageous leaders chose instead to embrace the NPT and the arms control process in eliminating offensive nuclear, chemical and biological arms from Kazakhstan.

The world cheered when Kazakhstan became a non-nuclear state in November 1996. I am proud of the role the United States played in Kazakhstan's decision and of our role in facilitating the removal of thousands of nuclear warheads and the elimination of hundreds of SS–18 intercontinental ballistic missiles, silos, and command centers. The addition of three more nuclear weapons states would have been a devastating setback to the reduction of offensive nuclear arms around the world.

HISTORIC SIGNIFICANCE

Kazakhstan's wise and brave choice stands in stark contrast to events in India, Pakistan, North Korea, and Iran. In 1998, the world was shocked by the testing of nuclear weapons in India and Pakistan. In January of this year, the international arms control process was again shaken by the departure of North Korea from the NPT. Last month, the world watched closely as the IAEA deliberated over Iran's numerous NPT violations amid Tehran's threats of withdrawal should the body seek to enforce the treaty's provisions.

With these events in mind, the world should be especially appreciative of the course selected by Kazakhstan. Leaders in Almaty faced the same choices as their counterparts in New Delhi, Islamabad, Pyongyang, and Tehran. But instead of violating international norms and pursuing nuclear weapons, Kazakh leaders made the right choice. When searching for success stories, the international community should turn to Kazakhstan.

The presence of dangerous weaponry in the states of the former Soviet Union was not a problem that the U.S. Government was prepared to deal with in 1991. Most decisionmakers in Washington were highly skeptical of assisting the newly independent states in eliminating their inherited arsenals. In fact, many were opposed to committing funds to any program that seemed to benefit the former Soviet Union. The atmosphere was decidedly hostile to initiatives that focused on foreign problems. Americans were weary of the Cold War and the Gulf War. Both Congress and aspirants in the 1992 Presidential election had decided that attention to foreign concerns was politically a lowered priority.

In this atmosphere, Senator Nunn and I proposed legislation to commit a portion of Defense Department resources each year to the cooperative dismantlement of the old Soviet arsenal. The House of Representatives had previously rejected a plan to commit one billion dollars to addressing the problems of the former Soviet Union. That outcome did not give Senator Nunn and me much of a springboard for our initiative. Yet we brought together a bipartisan nucleus of Senators who saw the problem as we did. Remarkably, the Nunn-Lugar Program was passed in the Senate by a vote of 86 to 8. It went on to gain approval in the House and was signed into law by President George H.W. Bush.

Many believed that the Nunn-Lugar Program would be a relatively simple affair wherein weapons would be quickly safeguarded and destroyed. But these efforts were far more complex than most expected. It wasn't until Sam Nunn and I took high-ranking Bush Administration officials with us on a trip to the former Soviet Union that executive branch implementation was accelerated and a strong commitment was established.

At a cost of less than two-tenths of one percent of the annual U.S. defense budget, the Nunn-Lugar Program has facilitated the destruction of 520 ballistic missiles, 451 ballistic missile launchers, 7 mobile missile launchers, 122 bombers, 624 long-range nuclear air-launched cruise missiles, 408 submarine missile launchers, 445 submarine launched ballistic missiles, and 27 strategic missile submarines. It also has sealed 194 nuclear test tunnels. Most notably, 6,212 warheads that were on strategic systems aimed at the United States have been deactivated. To put this into perspective, Nunn-Lugar has dismantled more nuclear weaponry than the countries of Great Britain, France, and China currently possess in their stockpiles and arsenals combined.

Nunn-Lugar also has undertaken previously-classified emergency missions in cooperation with the government of Kazakhstan to thwart proliferation. Project Sapphire is the best known. In the pre-dawn hours of November 20, 1994, as winter descended upon northeastern Kazakhstan, experts from the Departments of Defense and Energy took possession of enough highly enriched uranium to make between 20 and 30 nuclear weapons. Two U.S. C–5 cargo planes then flew 20 hours with five mid-air refuelings, to deliver the material safely to the United States and prevent it from falling into the hands of rogue states or terrorist cells.

Nunn-Lugar also assisted Kazakhstan in eliminating the former Soviet nuclear weapons testing complex. The Degelen Mountain Test Tunnel Complex and Balapan were the sites of hundreds of nuclear weapons tests throughout the Cold War. In close cooperation with Kazakh partners, the Nunn-Lugar Program systematically dismantled the complex and sealed nearly 200 nuclear test tunnels and shafts. These facilities will never again contribute to the weapons systems that threatened the world during the Cold War.

More recently, the Nunn-Lugar Program concluded an agreement with Kazakhstan to raze to the ground the world's largest anthrax production and weaponization facility. Stepnogorsk, built by the Soviet Union during the height of the Cold War, will be completely eliminated and decontaminated.

The Nunn-Lugar Program has already eliminated or dismantled equipment necessary for the production of biological weapons. But now we will take the additional step of razing the weapons-related buildings to the ground. Currently, American contractors are removing windows, non-load bearing walls, and other debris and disposing of it prior to the commencement of demolition. Each building will be contained and eliminated in a secure and ecologically safe manner.

RECENT TRIP TO KAZAKHSTAN

This past summer, I had the opportunity to visit Almaty. During that visit, I toured Nunn-lugar projects and visited with Kazakh leaders about future opportunities for cooperative threat reduction.

I toured the Kazakh Science Center for Quarantine and Zoonotic Diseases, a biological research facility located in one of the city's residential neighborhoods. The Center has 135 staff members and 50 years of experience in the identification, handling, control and treatment of dangerous, naturally occurring microbes that cause anthrax, tularemia, plague, and brucellosis.

The facility is working on treatments for Tuberculosis, plague, and other dangerous diseases, not only for Kazakhstan, but for all mankind. We are creating cures arid helping people throughout the world. The Nunn-Lugar Program has worked to improve the security surrounding the facility, installed alarm and accounting systems, and improved the protection and control in storage areas. Today the facility is working closely with experts here in the United States and elsewhere to address mutual threats from dangerous diseases and pathogens.

I also had good discussions with Kazakh leaders on plans to dismantle a former nuclear weapons storage bunker at Semipalatinsk so that terrorists or rogue nations will not have the opportunity to study and duplicate its design. Let me be clear, this facility does not represent a Kazakh violation of international commitments. Instead, the concern was that the facility would provide would-be terrorists with valuable intelligence and insight into the design of such facilities. I am pleased to announce that the U.S. and Kazakhstan have agreed to eliminate this dangerous facility and the potential threat it poses to the security of operational Soviet-designed storage facilities elsewhere.

NUNN-LUGAR EXPANSION

This year Congress took important steps in the Fiscal Year 2004 Defense Authorization Conference Report to continue the Nunn-Lugar Program's important work. I commend Senate Armed Services Committee Chairman, John Warner, and Ranking Member, Carl Levin, for a bill that fully funds the Bush Administration's request for nonproliferation and dismantlement projects and expands the President's authority to confront the threat posed by proliferation.

The outcome was far from certain when the Senate and House passed divergent bills with respect to the Nunn-Lugar Program. The Senate bill included a provision that I had authored, known as ''The Nunn-Lugar Expansion Act.'' This provision gives the President the authority to use the Nunn-Lugar Program beyond the former Soviet Union to address proliferation emergencies. Unfortunately, the House took a different approach, denying the Administration the ability to use Nunn-Lugar worldwide. In the end, however, the House and Senate conferees arrived at a compromise that will permit Nunn-Lugar to continue its important work and, where needed, to expand the winning strategy beyond the borders of the former Soviet Union. The bill permits President Bush to use up to $50 million of unobligated Nunn-Lugar funds for proliferation emergencies outside the former Soviet Union. I worked closely with the Administration on this important issue and received the strong support of Dr. Condoleezza Rice and Secretary of State Colin Powell. Most importantly, I have spoken to the President on more than one occasion about Cooperative Threat Reduction. The program as well as our new initiatives has his full and strong support.

The continuing experience of Nunn-Lugar has created a tremendous nonproliferation asset for the United States. We have an impressive cadre of talented scientists, technicians, negotiators, and managers working for the Defense Department and for associated defense contractors who understand how to implement non-proliferation programs and how to respond to proliferation emergencies. The new authority will permit and facilitate the use of Nunn-Lugar expertise and resources when nonproliferation threats around the world are identified.

Proliferation threats sometimes require an instantaneous response. We must not allow a proliferation or WMD threat to ''go critical'' because we lacked the foresight to empower the U.S. to respond. The Nunn-Lugar Program's experience in Kazakhstan through ''Project Sapphire'' shows the utility of such capabilities.

The precise replication of the Nunn-Lugar Program will not be possible everywhere. Clearly, many states will continue to avoid accountability for programs related to weapons of mass destruction. When nations resist such accountability, other options must be explored. When governments continue to contribute to the WMD threat facing the United States, we must be prepared to apply diplomatic and economic power, and as a last resort, military force.

Yet we should not assume that we cannot forge cooperative nonproliferation programs with some critical nations. The experience of the Nunn-Lugar Program in Kazakhstan has demonstrated that the threat of weapons of mass destruction can lead to extraordinary outcomes based on mutual interest. No one would have predicted in the 1980s that American contractors and DOD officials would be on the ground in Russia, Ukraine and Kazakhstan destroying thousands of strategic systems. If we are to protect ourselves during this incredibly dangerous period, we must create new nonproliferation partners and aggressively pursue any nonproliferation opportunities that appear. Nunn-Lugar expansion authority is the first step down that road. Ultimately, a satisfactory level of accountability, transparency, and safety must be established in every nation with a WMD program.

There are always risks when expanding a successful venture into new areas, but I don't believe we have a choice. We must give the Administration the ability to interdict and neutralize the proliferation of weapons of mass destruction. This new venture, like its predecessor, will take time to organize and to establish operating procedures, but I am hopeful that a decade from now, we will look back on this effort and marvel at the successes we have enjoyed.

CONCLUSION

The U.S., Kazakhstan, and the international community still have much work to do and these efforts will require compromise and sacrifice. The last ten years have shown that nothing is impossible. Both sides have set aside past differences to accomplish this cooperation. Let us continue to approach these challenges with creativity, a willingness to cooperate, and a commitment to a safer world.

Historically, the world has never before enjoyed such an opportunity for former adversaries to work together on mutual threat reduction and on such an awesome and world threatening agenda. After decades of tense military confrontation and ideological struggle, we are sending American firm and know-how to Kazakhstan as we work together to dismantle weapons and materials of mass destruction, and their means of development and delivery. Bipartisan vision, statesmanship, and patience will be required over many years. For the sake of our children and our hopes for normal life in our world, we must be successful.

From an interview by Senator Richard Lugar to the news media following the symposium:

I hope the Nunn-Lugar Program will continue to be funded. I would like to stress that the cooperation with Kazakhstan has played a key role for putting this program into practice. Kazakhstan is a courageous country and the policies of President Nazarbayev have laid the foundation for practical realization of our program.

Kazakhstan remains a reliable partner of the United States, and we are grateful to this nation for its enthusiasm and real deeds in the area of disarmament. All of this gives us hope for a continued successful work.''

RICHARD LUGAR: U.S. SENATOR (R–IN), CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE

Dick Lugar is an unwavering advocate of U.S. leadership in the world, strong national security, free-trade and economic growth.

This fifth generation Hoosier is the longest serving U.S. Senator in Indiana history. He is the Chairman of the Foreign Relations Committee and a member and former chairman of the Agriculture, Nutrition and Forestry Committe. He was first elected to the U.S. Senate in 1976 and won a fifth term in 2000, his third consecutive victory by a two-thirds majority. He holds all Indiana statewide election records.

Lugar manages his family's 604-acre Marion County corn, soy-bean and tree farm. Before entering public life, he helped manage with his brother Tom the family's food machinery manufacturing business in Indianapolis.

As the two-term mayor of Indianapolis (1968–75), he envisioned the unification of the city and surrounding Marion County into one government. Unigov, as Lugar's plan was called, set the city on path of uninterrupted economic growth.

Richard Lugar has been a leader in reducing the threat of nuclear, chemical and biological weapons. In 1991, he forged a bipartisan partnership with then-Senate Armed Services Chairman, Sam Nunn (D–GA), to destroy these weapons of mass destruction in the former Soviet Union. To date, the Nunn-Lugar Program has deactivated nearly 6,000 nuclear warheads that were once aimed at the United States.

As Chairman of the Agriculture Committee, Lugar built bipartisan support for 1996 federal farm program reforms, ending 1930s era federal production controls. He has promoted broader risk management options for farmers, research advancements, increased export opportunities and higher net farm income. Lugar initiated a biofuels research program to help decrease U.S. dependency on foreign oil. He also led initiatives to streamline the U.S. Department of Agriculture, reform the food stamp program and preserve the federal school lunch program.

Lugar has promoted policies that spur economic growth, cut taxes, lead to job creation, eliminate wasteful government spending and reduce bureaucratic red tape for American businesses.

His Hoosier commonsense has been recognized many times including such awards as Guardian of Small Business, the Spirit of Enterprise, Watchdog of the Treasury, and 36 honorary doctorate degrees. He was the fourth person ever named Outstanding Legislator by the American Political Science Association.

Richard Lugar and his wife Charlene were married September 8, 1956, and have four sons and seven grandchildren.

ADDRESS BY DR. GRAHAM ALLISON AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by Dr. Graham Allison, Professor at Harvard University and Director of the Belfer Center for Science and International Affairs, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM REMARKS

(By Graham Allison)

It is a great honor for me to participate in this happy event and to celebrate the twelfth birthday of Kazakhstan, and, as the Minister said, the tenth anniversary of Kazakhstan's participation in the Nunn-Lugar CTR Program.

I want to congratulate Ambassador Saudabayev and his colleagues for putting together such a remarkable event, and President Nazarbayev for the actions that make it possible for us to celebrate this occasion.

I am going to make four points.

First, I want to agree strongly with Sam Nunn about the importance of the success of Kazakhstan. John Kennedy had a saying, which he would frequently observe, that ''success has a thousand fathers, or mothers, and failure is an orphan.''

If we are celebrating a success today, I would say this is a success of President Nazarbayev for a leadership that is truly remarkable and which one gets some sense for in his book, Epicenter of Peace.

But I would also celebrate Sam Nunn and Dick Lugar for their initiative without which the events that we are celebrating surely would not have occurred.

Without the Nunn-Lugar Program, an initiative undertaken by members of Congress, not by Administration, that put this issue front and center and provide the wherewithal to deal with it, the story of Kazakhstan, I believe, would have turned out differently.

So I want to congratulate the two of them and to say what a remarkable process I believe this was.

Historians have a hard time dealing with counterfactual. In fact for all of us when something has happened, it seems like, well, it almost had to happen.

But let us imagine what might have been.

Just imagine that a Kazakh leader, let's call him President Nazarbayev, sought to rest operational control of some 1,400 nuclear weapons, the fourth largest arsenal in the world, from former Soviet Strategic Rocket Forces' troops whose chain of command continued to run to Moscow. Would they have succeeded? Would Moscow have taken these efforts to seize operational effort as a casus belli and attacked these missile facilities or indeed Kazakhstan itself? Had a contest for control of the nuclear arsenals ensued, would some of these weapons have been fired? If so, since most of the warheads were mounted on ICBMs that had been programmed to hit and were targeted against the United States, millions of Americans could have suffered instant nuclear death.

I had a great fortune to work in the first Clinton Administration on nuclear weapons issues. And I believe that without the courageous actions of President Nazarbayev, the Kazakh government and the cooperation of the U.S. and Russian government in that effort, and the US participation through the Nunn-Lugar Program, these events would not have occurred the way they did. That's my first point.

Second point. I also wanted to support Sam Nunn in talking about Kazakhstan being too modest, I think, too reserved, too reticent about taking its example of nuclear disarmament to others. I was actually encouraged when Ambassador Saudabayev read the letter from President Nazarbayev and I am afraid I'm not quoting him exactly, but I think he said, ''Kazakhstan has earned the moral right to call on the world to follow its example.'' I think that's exactly correct. And I think if the Kazakh Government were a more active player with other governments, especially acting on the basis of the moral right that it has earned, the world would become a safer place.

Who could better deal with Iran than Kazakhstan?

President Nazarbayev knows Iranian leadership very well indeed. So who can explain to them the consequences of alternative path better than President Nazarbayev? So I thought that this has come to the point when Kazakhstan needs to be less modest and less reserved. It should be proud of what it accomplished becoming a nuclear-free nation.

Thirdly. If the denuclearization of Kazakhstan, Ukraine, and Belarus whose nuclear arsenal was eliminated was the signal success of the 1990s, I believe, the signal failure was the failure to capitalize on those events to push through a more general solution.

In 1998 nuclear tests were conducted by India and Pakistan when they declared themselves nuclear weapons states. But could one of them turn to example provided by Kazakhstan, and Ukraine and Belarus, more, even more, becoming a platform or a foundation of a more global effort to prevent nuclear terrorism and to realize that the nuclear war could be lost? And I believe the answer is yes.

So, my fourth and final point, especially for Christmas season, is a piece of good news. Good news that, I think, Sam has already suggested, but I would like to put slightly more provocatively.

The unspoken and frequently unrecognized fundamental insight, I believe, is that nuclear terrorism is preventable. Nuclear terrorism is, in fact, preventable. In the absence of fissile material, either enriched uranium or plutonium, there could be no nuclear programs and, therefore, no nuclear terrorism.

So, all that we have to do, all is a lot, but all that we have to do, is to prevent terrorists from acquiring nuclear weapons or fissile materials for these weapons to develop.

Fortunately, manufacturing or producing new highly enriched uranium or plutonium is a successive lengthy process that requires large and visible and indeed vulnerable facilities.

Until now, all the fissile materials that currently exist were successfully protected. The technology for doing so already exists: Americans lose no gold from Fort Knox, nor does Russia lose items from the Kremlin Armory.

So all that we have to do, and it's a lot, but all that we have to do is prevent production of new fissile material, lock down or eliminate all the fissile materials that currently exist.

I have a piece in the current issue of the Foreign Affairs that is coming out next week, in which I make this argument at some length and propose a new doctrine of what I would call the ''Three No's'':

1. No new nuclear weapons.
2. No new programs, no new facilities for producing either enriched uranium or plutonium.
3. No new nuclear states.

Kazakhstan, I think, is the best example of all three of these.

There's no question that Kazakhstan can be a source of nuclear 9/11, because Kazakhstan has no nuclear weapons, it has no production facilities of either enriched uranium or plutonium, and it has no fissile material.

I believe that is something that people with Nuclear Threat Initiative and Sam Nunn should be given credit for. And I congratulate our Kazakh partners for their extraordinary endeavor.

Director of Harvard's major Belfer Center for Science and International Affairs (BCSIA), Professor Graham Allison has for three decades been a leading analyst of U.S. national security and defense policy with a special interest in terrorism. As Assistant Secretary of Defense in the first Clinton Administration, Dr. Allison received the Defense Department's highest civilian award, the Defense Medal for Distinguished Public Service, for ''reshaping relations with Russia, Ukraine, Belarus, and Kazakhstan to reduce the former Soviet nuclear arsenal.'' This resulted in the safe return of more than 12,000 tactical nuclear weapons from the former Soviet republics and the complete elimination of more than 4,000 strategic nuclear warheads previously targeted at the U.S. and left in Ukraine, Kazakhstan, and Belarus when the Soviet Union disappeared.

As Director of BCSIA, Dr. Allison has assembled a team of more than two dozen leading scholars and practitioners of national security to analyze terrorism in its multiple dimensions. Products include: Avoiding Nuclear Anarchy (1996), America's Achilles Heel: Nuclear, Biological, and Chemical Terrorism and Covert Attack (1998), Catastrophic Terrorism (1998), and others.

A 1995 Washington Post op-ed by Dr. Allison warned that: ''In the absence of a determined program of action, we have every reason to anticipate acts of nuclear terrorism before this decade is out.'' Dr. Allison was the organizer of the Commission on America's National Interests (1996 and 2000) that included leading Senators and national security specialists from across the country (former Senator Sam Nunn, Senators John McCain, Bob Graham, and Pat Roberts, Condoleezza Rice, Richard Armitage, Robert Ellsworth, and others). The Commission's work highlighted the threat of mega-terrorism as a major challenge to American national interest. Senator Roberts credited the work of the Commission as inspiration in his creating a Subcommittee on Emerging Threats of the Senate Armed Services Committee. At the initial session of that Subcommittee on March 11, 1999 he warned that there is ''a real opportunity for a handful of zealots to wreak havoc on a scale that hitherto only armies could obtain. Targets will be selected for their symbolic value, like the World Trade Center in the heart of Manhattan, because terrorists need to escalate their

attacks, making each more spectacular and horrific than its predecessor.

Dr. Allison is also a leading analyst of Russia and its transformation to democracy and market economy as well as an authority on the threat of loose nukes and weapons of mass destruction. He has written numerous articles and op-eds in the foremost journals and newspapers and is a sought-after speaker and commentator. Dr. Allison's seminal book, Essence of Decision: Explaining the Cuban Missile Crisis, first published in 1971, and significantly revised and re-issued in 1999, ranks among the bestsellers in political science with more than 350,000 copies in print.

Dr. Allison was born and raised in Charlotte, North Carolina. He was educated at Davidson College; Harvard College (B.A., Magna Cum Laude, in History); Oxford University (B.A. and M.A., First Class Honors in Philosophy, Politics, and Economics); and Harvard University (Ph.D. in PoIitical Science).

TRIBUTE TO THE 125TH ANNIVERSARY OF THE TUSCOLA COUNTY FAIR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, July 23rd through July 29th will mark the 125th anniversary of the Tuscola County Fair. Since 1881, the fair has been an annual tradition of family and friends in the greater Tuscola County area. It is the oldest on-going event in Tuscola County. To celebrate the anniversary, the community is holding a barbeque on Sunday in Caro Michigan to kick off this year's celebration.

From the beginning the fair was a success. The Caro District Agricultural Society organized the first fair to allow the local farmers and merchants to display their produce, livestock, handicrafts, merchandise and machinery. One of the popular entertainments of the day was harness racing and in 1892 the clay track was completed so that sulky races could be run. Two years later the first grandstand, seating 1500 people, was finished. It was adjacent to the track and also had a wooden stage.

After purchasing the land from the Van Winkle family in 1895, the fair continued to grow. Buildings were constructed over the years including Heritage Hall, the swine and cattle barns, the 4–H horse barn, the merchants' display hall, and the fair offices. In 1920 Michigan Sugar Company provided the first electricity to the fair. After being destroyed by fire twice the grandstand was rebuilt both times. The state highway department built a park with picnic tables and a covered water fountain for fair patrons. Later the village expanded this park and added a swimming pool and tennis courts. During World War II the fair grounds operated as a prisoner of war camp. The German prisoners housed at fair grounds worked at the Michigan Sugar Company. After the war ended, it was the center of Tuscola County celebrations welcoming home their returning veterans. Utilized year round, the fairgrounds have been the site of several festivals, trade shows, educational programs, and athletic events.

The spirit of the Tuscola County Fair is embodied in the people that have attended year after year. They have brought their best livestock, canned goods, flowers, needlework, crafts, and produce to display. The fair is an opportunity to socialize, to be entertained, to be inspired and to be educated.

Agricultural fairs in the United States played a significant role in developing a sense of community and spurring innovation. Agriculture was the largest domestic industry in the 19th century and the agricultural fair was the primary means to showcase the ingenuity of American farmers producing an abundant harvest. Innovations first demonstrated at a fair are now part of everyday agricultural and livestock production worldwide. Agricultural fairs have historically promoted three core values: education, community celebration, and youth development. The Tuscola County Fair is no exception. The partnership between the fair, 4–H, the community of Caro, educational institutions and local business is the central component to the fair's longevity and vitality.

Mr. Speaker, I ask the House of Representatives to join me in commending the members of the Tuscola County Fair Association for their tireless work preserving and supporting a piece of America's living history. The fair continues to challenge farmers to increase our bounty and every American has benefited from their skill in rising to that challenge.

TRIBUTE TO THE JOHN W. STEVENSON MASONIC LODGE NO. 56

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, today I am honoring the John W. Stevenson Masonic Lodge No. 56, Prince Hall Free and Accepted Masons, for their scholarship program and their support, encouragement, and education of today's youth. On July 23rd the Lodge will present scholarships to four high school students at their annual banquet in my hometown of Flint, Michigan.

The theme of this year's banquet is ''Investing in Our Youth to Guarantee Our Future.'' The 53 members of the Lodge work throughout the year to raise money for the College Scholarship Fund. Their goal is to help as many young people as possible achieve their dreams of a better life. The Lodge members have established the cornerstones of high morals, good character, and sound education for a solid foundation in life. They view the scholarship fund as a means to assist young people in building upon that foundation.

The members distribute the applications throughout Genesee County and students are awarded the scholarships based upon several factors including greatest financial need. This year the recipients are all graduating seniors but the program is also open to students working for advanced degrees.

Mr. Speaker, please join me in commending the members of the John W. Stevenson Lodge No. 56 for their exemplary work on behalf of the young men and women of the greater Flint area. Since the Lodge was founded in 1968, the men of the John W. Stevenson Lodge have dedicated themselves to ensuring all youth are able to fulfill their potential.

TRIBUTE TO THE MEMORY OF IRENE L. JAMES, ESQ.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to honor the memory and legacy of Irene L. James who passed away on Tuesday, July 4, 2006. Her death leaves a deep void in the Greater Newark community.

Irene was known for her caring spirit and her service to others. She was creative, passionate and intelligent. Her intellect led her to Rutgers University in Newark where she earned both her under-graduate and law degrees. Over the years, she would hold several roles that allowed her to utilize her talents to enrich the lives of others. A prolific writer, Irene was able to secure grants and/or technological enhancements for many programs and institutions. In fact, Irene is credited with procuring a three million dollar grant from the Robert Wood Johnson Foundation to create a ''fighting back'' sight in Newark. This program's mission was to help decrease the demand for alcohol, tobacco and other drugs for women and children. Irene served with distinction in administrative positions at Essex County College, CHOICES, Inc., Newark Welfare and Newark Fighting Back.

During her life, Irene touched many lives with her kindness, thoughtfulness and humor. She will be remembered for making a difference in the lives of those fortunate enough to benefit from her years of public service. Irene was a profound believer in social justice and was able to associate with many others who felt likewise.

As Irene's life was celebrated during her ''Home going'' service on Wednesday, July 12, 2006, many recalled the impact she made in the community, her competency and professionalism. They remembered that she came from a family of achievers, including my Chief of Staff, Maxine James, her father, Mack James, sister, Jeanette Parham and her brother, Michael James.

Mr. Speaker, I know my colleagues join me in letting Irene L. James' family, friends and associates know that her memory will always be honored and cherished.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, due to delays on Amtrak, I regrettably missed rollcall votes 375–377. Had I been present, I would have voted in the following manner: rollcall No. 375—''Yea'', rollcall No. 376—''Yea'', rollcall No. 377—''Yea''.

HOUSTON LIVESTOCK SHOW AND RODEO SCHOLARSHIP FUND

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to call attention to one of the most successful scholarship programs in the country. The Houston Livestock Show and Rodeo has been known as the largest Rodeo in the world.

It attracts the best of the best in the rodeo and livestock industries but it also raises millions of dollars for Houston area children to go to college.

The Houston Livestock Show and Rodeo awarded 315 scholarships totaling $3.78 million this year, and every year, the rodeo increases the number of awards given.

Forty students in our Congressional District received a $12,000 Rodeo scholarship bringing in almost $500,000 in scholarship money collectively.

Since 1957, the Houston Livestock Show and Rodeo has been helping students that demonstrate academic success, leadership, and need achieve their dream of going to college.

Next year will mark 50 years since the Houston Livestock Show and Rodeo awarded their first scholarship and 75 years since the rodeo started.

In that time, over 20,0001 students have received over $100 million.

I was pleased to learn that students in our Congressional District have received almost $5.9 million in scholarship money since the Rodeo Scholarship Program has been in existence.

The area I represent has a large percentage of first-generation college students. I was especially pleased to learn that Milby High School, a school that is 90 percent Hispanic has received more Rodeo Scholarships than any other High School in the State.

Milby High School students have received 222 scholarships totaling $1.4 million. That's impressive for Milby and it's a statement to the commitment of the Rodeo to serve all communities in Texas.

I'm sure hundreds of more students will enjoy benefiting from this amazing program as it grows in the future.

I am proud to be a life member of the Houston Livestock Show and Rodeo and thank the thousands of volunteers that dedicate well over a million hours of service each year to make the rodeo and its scholarship program operate as smoothly as they do.

Their service to our community is greatly appreciated.

Mr. Speaker, I invite all my fellow Members to come down to Houston sometime to enjoy all the entertainment the Rodeo has to offer, and then join me in visiting some of our neediest schools so you can meet the students that benefit from the world's largest rodeo.

TRAIL OF TEARS STUDY ACT

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. BERRY. Mr. Speaker, I am so pleased that the U.S. House of Representatives is considering H.R. 3085, the Trail of Tears Documentation Act, which I introduced last year with my friend, Representative ZACH WAMP. This important legislation has 20 cosponsors from 8 different states and works to preserve an important chapter of our history so others can learn from our past.

The lessons that lie along the Trail of Tears are more than a chapter in a history book. They are the lessons that teach future generations to celebrate diversity rather than to push it into the farthest corners of our country. Only by experiencing this tragedy can we begin to understand why so many Native Americans died along this trail.

The Trail of Tears Documentation Act would encourage the Secretary of the Interior to complete the National Historic Trail of Tears from North Carolina to Oklahoma. The proposed routes include two trails in Arkansas where close to 2,000 Cherokee traveled after the U.S. government forced them to find new land in Indian Territory. The Bell route heads up the Arkansas River from Tennessee through Little Rock and Fort Smith, and the Benge route extends west from Randolph County to Washington County.

Our legislation asks the Secretary of the Interior to conduct a feasibility study of the additional trail segments, emigration depot, and land components currently missing along the historic trail. Once complete, individuals will be able to travel the entire length of the trail and experience interpretations of that period in American history.

It is unacceptable that such a critical part of our history remains a patchwork of missing pieces. As Americans, we need to capture this part of history so we never forget the stories of families torn apart at the hands of our country. By preserving this trail, we will give our children and grandchildren the opportunity to experience this tragedy firsthand and develop a better understanding of what happened to Native Americans in this country.

IN SUPPORT OF LIFTING THE BAN ON FEDERALLY FUNDED STEM CELL RESEARCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. MALONEY. Mr. Speaker, it isn't every day that we get to come to the House Floor with the opportunity to save lives. When we voted on H.R. 810, the Stem Cell Research Enhancement Act, we were given that very chance. With the Senate voting on the bill in the coming days, we must respond to 72 percent of Americans, scientists, researchers, and Nobel laureates and vote to continue our support for lifting the ban on which stem cell lines can be federally funded.

Right now, only 22 of the 78 stem cell lines approved by President Bush are left. Many of these lines have been contaminated and are no longer useful, but more than 400,000 frozen embryos exist in the United States. With further research, these cells may be used as ''replacement'' cells and tissues to treat many diseases including Parkinson's disease, Alzheimer's disease, diabetes, AIDS, Lou Gehrig's disease and others. Stem cell research holds hope of one day being able to treat brain injury, spinal cord injury, and stroke for which there is currently no treatment available. And they may solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions, such as burns and kidney failure, for which transplantation is currently used.

As a co-chair on the Working Group for Parkinson's Disease and as someone who has lost a very close family member to Parkinson's disease, I know firsthand just how important this legislation is and how important it is to open up the stem cell lines. Parkinson's disease is a progressive degenerative brain disease which kills a specialized and vital type of brain cell, a cell which produces the substance dopamine, that is essential for normal movement and balance. The loss of these dopamine-producing cells causes symptoms, including slowness and paucity of movement, tremor, stiffness, and difficulty walking and balancing, which makes the sufferer unable to carry out the normal activities of daily living. In 30 percent of the cases those symptoms include dementia. As the disease progresses, it inflicts horrific physical, emotional, and financial burdens on the patient and family, requiring the caregiver to assist in the activities of daily living, and may eventually lead to placement in a nursing home until death.

With further research into stem cells, scientists will be able to ''reprogram'' the stem cells into the dopamine-producing cells which are lost in Parkinson's disease. One million Americans are afflicted by this terrible disease. This bill will directly help them.

As for the suspensions we are debating today. I have heard Members of the other body claim that they are useless, but harmless. That they don't do anything to help and that there are no applications of science that they would impact, that fetal farms simply don't exist.

Mr. Speaker, we have a bill before us that will save millions of lives and impact millions more.

It's time that we put the politics aside, listen to the science, and do what's right.

I urge my colleagues to support H.R. 810.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. HAYES. Mr. Speaker, I was unable to participate in the following votes on July 17, 2006. If I had been present, I would have voted as follows:

Rollcall vote 377, I would have voted ''yea.''

Rollcall vote 376, I would have voted ''yea.''

Rollcall vote 375, I would have voted ''yea.''

HONORING HEATHER MARI STANTON OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Heather Mari Stanton on the occasion of her retirement as project manager from the Napa County Flood Control and Water Management District.

Ms. Stanton's career in public service began in 1981 when she was hired as the executive assistant to the city council in San Jose. Her involvement and leadership in political life had begun earlier, however, when she founded her own political campaign consulting company in 1975 and worked as a lobbyist and advocate for the outdoor industry.

Ms. Stanton's work in the Napa Valley began in 1987 with her appointment as an assistant to the city manager in Napa, and she quickly moved to the position of director of community resources, a position she held for a decade. As director, she was instrumental in overseeing the development of numerous parks, sporting facilities, and community buildings, as well as an animal shelter.

Mr. Speaker, Ms. Stanton's work as project manager of the Napa County Flood Control and Water Conservation District has been vital to the success of the ongoing effort to ensure greater flood protection for the communities along the Napa River. In addition to ensuring the safety of our communities, she has helped to preserve the natural beauty of the Napa Valley through her involvement with the restoration of over 900 acres of wetlands.

Ms. Stanton is an active participant and leader in the Napa Valley community. She is currently a board member of Leadership Napa Valley, where she has helped develop programs to nurture new generations of leaders. She is also a member of the Napa Valley Art Association and the Court Appointed Special Advocates for Children.

Ms. Stanton has also actively been involved in promoting the interests of the business community in the Napa Valley through her participation with the Napa Chamber of Commerce. She is a past president and board member of the Napa Valley Conference and Visitor's Bureau.

Ms. Stanton is the loving mother of three children, Shana, Greg, and Andrew Stanton. She lives with her best friend and partner, Benjamin Faulk.

Mr. Speaker, it is appropriate at this time that we recognize Heather Mari Stanton for her years of public service to the city and county of Napa, and for her hard work and leadership in the public life of the Napa Valley and extend our best wishes to her in retirement.

STEM CELL RESEARCH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. CROWLEY. Mr. Speaker, I rise in support of Federally funded, ethical stem cell research. H.R. 810 passed by the House and passed the Senate on July 18, 2006 accomplishes this goal.

This important legislation would lift the ban on which stem cell lines can be researched using Federal dollars. It provides sound rules and regulations to govern the research of stem cells, such as preventing human cloning for embryos or the deliberate destruction of embryos, while also providing doctors and scientists the ability to perform more research to find new cures for degenerative diseases such as Alzheimer's, spinal chord injuries, and diabetes.

Many of my colleagues on the Republican side of the aisle believe this legislation will open the door to rouge doctors to perform cloning procedures, or will allow for the use of Federal funds to actually destroy the embryos. Let me be crystal clear, this legislation will NOT allow Federal funds to be used in the destruction of embryos, nor will this legislation allow these funds to be used in cloning.

We, as a country, excel in so much; let us push forward on important research rather then regressing. With embryonic stem cell research we could potentially save the lives of an estimated 100 million Americans.

While this bill has overwhelming support from our country's leading scientists, biomedical researchers, patient advocacy groups, and health organizations, along with many religious leaders. President Bush has emphatically stated he will veto this legislation; the first veto thus far of his 6-year administration.

I cannot, on my conscience stand face to face with an individual suffering from a degenerative disease, and tell them that an embryo that will be discarded is more important then saving their lives.

President Bush, I ask you to reconsider your stance on H.R. 810, the stem cell research bill. Leave a lasting legacy on your Presidency, this country and the entire world. Sign this important legislation into law. I support this legislation and stand with my colleagues in the House and the Senate.

Daily Digest

HIGHLIGHTS

Senate passed S. 3504, S. 2754, and H.R. 810, all Stem Cell Research bills.

Senate

Chamber Action

Routine Proceedings, pages S7653–S7807

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 3678–3684, and S. Res. 534–535. **Pages S7752–53**

Measures Passed:

Fetus Farming Prohibition Act: By a unanimous vote of 100 yeas (Vote No. 204), Senate passed S. 3504, to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes. **Pages S7654–91**

Alternative Pluripotent Stem Cell Therapies Enhancement Act: By a unanimous vote of 100 yeas (Vote No. 205), Senate passed S. 2754, to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos. **Pages S7654–92**

Stem Cell Research Enhancement Act: By 63 yeas to 37 nays (Vote No. 206), Senate passed H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research, clearing the measure for the President. **Pages S7654–92**

Condemning Hezbollah and Hamas: Senate agreed to S. Res. 534, condemning Hezbollah and Hamas and their state sponsors and supporting Israel's exercise of its right to self-defense. **Pages S7692–94**

College Rental Assistance Exemption: Senate passed H.R. 5117, to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students, clearing the measure for the President. **Page S7806**

Water Resources Development Act: Pursuant to the order of July 14, 2006, Senate began consideration of S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, withdrawing the committee-reported amendments, and taking action on the following amendments proposed thereto: **Pages S7694–S7739**

Adopted:

Inhofe/Jeffords Amendment No. 4676, in the nature of a substitute (which shall be considered as original text for the purpose of further amendment). **Pages S7727–32**

Boxer Amendment No. 4679, to modify the project for Folsom Dam, California. **Pages S7732–33**

By 63 yeas to 36 nays (Vote No. 207), Specter/Carper Amendment No. 4680, to modify a provision relating to Federal hopper dredges. **Pages S7733–39**

Senate will continue consideration of the bill at approximately 10:30 a.m., on Wednesday, July 19, 2006. **Page S7806**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during the adjournment of the Senate, Senator DeMint be authorized to sign duly enrolled bills or joint resolutions. **Page S7806**

Child Custody Protection Act—Agreement: A unanimous-consent agreement was reached providing that on Thursday, July 20, 2006, at a time to be determined by the Majority Leader upon consultation with the Democratic Leader, Senate proceed to the consideration of S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. **Page S7806**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency blocking property of certain persons and prohibiting the importation of certain goods from Liberia that was established in Executive Order 13348 on July 22,

2004; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–54)

Page S7751

Nominations Received: Senate received the following nominations:

Clyde Bishop, of Delaware, to be Ambassador to the Republic of the Marshall Islands.

Mark R. Dybul, of Florida, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.

Peter W. Tredick, of California, to be a Member of the National Mediation Board for a term expiring July 1, 2010.

Stephen M. Prescott, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2010.

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Navy.

Pages S7806–07

Messages From the House: Page S7752

Measures Referred: Page S7752

Enrolled Bills Presented: Page S7752

Executive Communications: Page S7752

Additional Cosponsors: Pages S7753–54

Statements on Introduced Bills/Resolutions: Pages S7754–68

Additional Statements: Pages S7749–51

Amendments Submitted: Pages S7768–S7805

Authorities for Committees to Meet: Pages S7805–06

Privileges of the Floor: Page S7806

Record Votes: Four record votes were taken today. (Total—207) Pages S7691, S7691–92, S7739

Adjournment: Senate convened at 9:45 a.m., and adjourned at 8:26 p.m., until 9:30 a.m., on Wednesday, July 19, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7806.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense approved for full committee consideration H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

APPROPRIATIONS—LABOR/HHS/ EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies approved for full committee consideration an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007.

APPROPRIATIONS—MILITARY CONSTRUCTION/VA

Committee on Appropriations: Subcommittee on Military Construction and Veterans' Affairs and Related Agencies approved for full committee consideration H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

APPROPRIATIONS—TRANSPORTATION/ TREASURY/JUDICIARY/HUD

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies approved for full committee consideration H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense, Anita K. Blair, of Virginia, to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs, who was introduced by Senator Allen, Benedict S. Cohen, of the District of Columbia, to be General Counsel of the Department of the Army,

who was introduced by former Representative Christopher Cox, Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy, who was introduced by Senator Martinez, David H. Laufman, of Texas, to be Inspector General, Department of Defense, Sue C. Payton, of Virginia, to be Assistant Secretary of the Air Force for Acquisition, William H. Tobey, of Connecticut, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, and Robert L. Wilkie, of North Carolina, to be Assistant Secretary of Defense for Legislative Affairs, who was introduced by Senator Lott, after testifying and answering questions in their own behalf.

INSURANCE REGULATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine perspectives on insurance regulation, focusing on the role of insurance in the U.S. economy and the need to modernize the regulation of insurance, after receiving testimony from Randal K. Quarles, Under Secretary of the Treasury for Domestic Finance; Scott E. Harrington, University of Pennsylvania Wharton School, Philadelphia; and Robert W. Klein, Georgia State University, Atlanta.

U.S.-INDIA ENERGY COOPERATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role nuclear power can play in meeting those needs, after receiving testimony from David Pumphrey, Deputy Assistant Secretary of Energy for International Energy Cooperation; Paul Simons, Deputy Assistant Secretary of State for Economic and Business Affairs; David G. Victor, Stanford University Program on Energy and Sustainable Development, Stanford, California; and Daniel B. Poneman, The Scowcroft Group, and R. Michael Gadbaw, General Electric Company, both of Washington, D.C.

ISLAM AND THE WEST

Committee on Foreign Relations: Committee concluded a hearing to examine Islam and the West, focusing on the search for common ground, including the roots of Islamic-based terrorism, the current image of the United States in the Muslim world, how Westerners and Muslims view each other, and the state of the struggle within contemporary Islam between its more moderate and extreme factions, after receiving testimony from Bruce Hoffman, RAND Corporation, Andrew Kohut, Pew Research Center, and Akbar S. Ahmed, American University School of International Service, all of Washington, D.C.; and Muqtedar Khan, University of Delaware, Newark.

DISTRICT OF COLUMBIA OPERATIONS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded hearings to examine District of Columbia government operations, focusing on successes and challenges the District has experienced during the two terms of Mayor Williams, including the anticipated challenges that the new mayor will face, after receiving testimony from Mayor Anthony A. Williams, Natwar M. Gandhi, District of Columbia Chief Financial Officer, Clifford B. Janey, District of Columbia Superintendent of Public Schools, and Alice M. Rivlin, Brookings Institution, all of Washington, D.C.

FEDERAL FUNDING ACCOUNTABILITY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded hearings to examine S. 2590, to require full disclosure of all entities and organizations receiving Federal funds, after receiving testimony from Senators McCain and Obama; Gary D. Bass, OMB Watch, and Mark Tapscott, Washington Examiner, both of Washington, D.C.; and Eric Brenner, Maryland Governor's Grants Office, Annapolis.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, focusing on combating terrorism and national security matters, 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.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 5822–5830; and 3 resolutions, H. Res. 921–923 were introduced. **Page H5380**

Additional Cosponsors: **Pages H5380–81**

Reports Filed: Reports were filed today as follows:

H. Res. 920, providing for consideration of H.R. 2389, to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance (H. Rept. 109–577); and

H. Res. 924, providing for consideration of the bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos. (H. Rept. 109–578.) **Page H5379**

Speaker: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker pro tempore for today. **Page H5283**

Recess: The House recessed at 9:08 a.m. and reconvened at 10 a.m. **Page H5284**

Marriage Protection Amendment: The House failed to agree to H.J. Res. 88, proposing an amendment to the Constitution of the United States relating to marriage, by a (2/3) yea-and-nay vote of 236 yeas to 187 nays, Roll No. 378, after ordering the previous question. **Pages H5287–H5321**

H. Res. 918, the rule providing for consideration of the joint resolution was agreed to by voice vote after ordering the previous question. **Pages H5287–97**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority: H. Con. Res. 438, to express the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; **Pages H5321–27**

Supporting the goals and ideals of School Bus Safety Week: H. Res. 498, to support the goals and ideals of School Bus Safety Week, by a (2/3) yea-and-nay vote of 424 yeas with none voting "nay", Roll No. 381; **Pages H5327–28, H5381**

Designating the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building": H.R. 4962, to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; **Pages H5328–29**

Supporting the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States: H. Res. 721, to support the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States; **Pages H5329–31**

Congratulating Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup: H. Res. 908, amended, to congratulate Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup; **Pages H5331–32**

Congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction: H. Res. 905, to congratulate Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction; **Pages H5332–38**

Commending and supporting Radio Al Mahaba, Iraq's first and only radio station for women: H. Res. 784, to commend and support Radio Al Mahaba, Iraq's first and only radio station for women; **Pages H5338–40**

Congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement: H. Con. Res. 435, amended, to congratulate Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement; and **Pages H5341–45**

Agreed to amend the title so as to read: "Congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.". **Page H5345**

Fetus Farming Prohibition Act of 2006: S. 3504, to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, by a (2/3) yea-

and-nay vote of 425 yeas with none voting "nay", Roll No. 379—clearing the measure for the President. Pages H5345–52, H5359–60

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Alternative Pluripotent Stem Cell Therapies Enhancement Act: S. 2754, to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos, by a (2/3) yea-and-nay vote of 273 yeas to 154 nays, Roll No. 380. Pages H5352–60

Authorizing the printing of a revised edition of a pocket version of the United States Constitution and other publications: The House agreed by unanimous consent to S. Con. Res. 108, to authorize the printing of a revised edition of a pocket version of the United States Constitution and other publications. Pages H5361–62

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia—referred to the Committee on International Relations and ordered printed (H. Doc. 109–125). Pages H5363–64

Senate Message: Messages received from the Senate today appear on pages H5340, H5345 and H5352.

Senate Referrals: S. 3504 and S. 2754 were held at the desk. Page H5378

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H5320–21, H5359–60, H5360 and H5361. There were no quorum calls.

Recess: The House recessed at 9:28 p.m. and reconvened at 9:53 p.m. Page H5377

Adjournment: The House met at 9 a.m. and adjourned at 9:55 p.m.

Committee Meetings

CONSUMERS AND MOTOR VEHICLE TECHNOLOGY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "Motor Vehic1e Technology and the Consumer: Views from the National Highway Traffic Safety Administration." Testimony was heard from Nicole R. Nason, Administrator, National Highway Traffic Safety Administration, Department of Transportation.

MEDICARE BENEFICIARIES/IMAGING SERVICES

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Use of Imaging Services: Providing Appropriate Care for Medicare Beneficiaries." Testimony was heard from Herb Kuhn, Director, Center for Medicare Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Glenn M. Hackbarth, Chairman, Medicare Payment Advisory Commissions; and public witnesses.

INTERNET PHISHING PROTECTION

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on ICANN and the Whois Database: Providing Access To Protect Consumers From Phishing." Testimony was heard from John M.R. Kneuer, Acting Assistant Secretary, Communications and Information and Administrator, National Telecommunications and Information Administration, Department of Commerce; Eileen Harrington, Deputy Director, Bureau of Consumer Protection, FTC; and public witnesses.

HUD PUBLIC HOUSING OUTLOOK

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled "Public Housing in the 21st Century: HUD's View on the Future of Public Housing in the United States." Testimony was heard from the following officials of the Department of Housing and Urban Development: Roy A. Bernardi, Deputy Secretary; and Orlando J. Cabrera, Assistant Secretary, Public and Indian Housing.

ETHICS IN GOVERNMENT REAUTHORIZATION ACT OF 2006; TELECOMMUTING

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization approved for full Committee action H.R. 5710, Ethics in Government Reauthorization Act of 2006.

The Subcommittee also held a hearing entitled "Telecommuting: A 21st Century Solution to Traffic Jams and Terrorism." Testimony was heard from Daniel Green, Deputy Associate Director, Employee and Family Support Policy, OPM; Danette Campbell, Senior Telework Advisor, U.S. Patent and Trademark Office, Department of Commerce; Carl Froehlich, Chief, Agency-Wide Shared Services, IRS, Department of the Treasury; and public witnesses.

GLOBAL WAR ON TERROR COST ESTIMATES

Committee on Government Reform: Subcommittee on National Security, Emerging Threats, and International Relations held a hearing entitled "Global War on Terrorism (GWT): Accuracy and Reliability of Cost Estimates." Testimony was heard from David M. Walker, Comptroller General, GAO; the following officials of the Department of State: Bradford R. Higgins, Assistant Secretary, Chief Financial Officer, Bureau of Resource Management; and James R. Kunder, Assistant Administrator, Asia and the Near East, U.S. Agency for International Development; John P. Roth, Deputy Comptroller (Program/Budget), Office of the Under Secretary (Comptroller), Department of Defense; Donald B. Marron, Acting Director, CBO; and Amy F. Belasco, Specialist in National Defense, Foreign Affairs, Defense and Trade Division, CRS, Library of Congress.

FEDERAL PAPERWORK REDUCTION

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled "Another Year, Another Billion Hours: Evaluating Paperwork Reduction Efforts in the Federal Government." Testimony was heard from Steve Aitken, Acting Administrator, Office of Information and Regulatory Affairs, OMB; Beth Tucker, Director, Outreach, Communication, and Disclosure, Small Business/Self-Employed Division, IRS, Department of the Treasury; Matthew Berry, Deputy General Counsel, FCC; Linda D. Koontz, Director, Information Management, GAO; and public witnesses.

BRIEFING—DHS STATE AND LOCAL FUSION CENTER

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment met in executive session to hold a briefing on the DHS State and Local Fusion Center Initiative. The Subcommittee was briefed by departmental witnesses.

ILLEGAL IMMIGRANTS

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held a hearing entitled "Should We Embrace the Senate's Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?" Testimony was heard from Representative Reyes; and public witnesses.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate in the House on S. 2754, to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit.

PLEDGE PROTECTION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2389, Pledge Protection Act of 2005, equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule waives all points of order against consideration of the bill. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report 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. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Akin and Watt.

NASA AERONAUTICS

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on The National Academy of Sciences' Decadal Plan for Aeronautics: A Blueprint for NASA? Testimony was heard from public witnesses.

VETERANS IDENTITY AND CREDIT PROTECTION ACT

Committee on Veterans' Affairs: Held a hearing on the Veterans Identity and Credit Protection Act of 2006. Testimony was heard from Representatives Salazar, Blackburn, Hooley, and Capito; Gordon Mansfield, Deputy Secretary, Department of Veterans Affairs; James A. William, Associate Administrator, Federal Acquisition Service, GSA; the following former officials of the Department of Veterans Affairs: Robert McFarland, and John A. Gauss, both Assistant Secretaries, Information and Technology and Chief Information Officers; and representatives of veterans organizations.

HEALTH CARE PRICE TRANSPARENCY

Committee on Ways and Means: Subcommittee on Health held a hearing on Price Transparency. Testimony was heard from public witnesses.

CIA DIRECTOR AS HUMINT MANAGER

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on The CIA Director as HUMINT Manager. Testimony was heard from departmental witnesses.

BRIEFING—MIDDLE EAST CRISIS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the Middle East Crisis. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 19, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to resume hearings to examine military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld, 10 a.m., SR–325.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, James Lambright, of Missouri, to be President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, all of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury; to be followed by a hearing to examine the semiannual Monetary Policy Report to Congress, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: business meeting to consider the nominations of Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board, R. Hunter Biden, of Delaware, and Donna R. McLean, of the District of Columbia, each to be a Member of the Reform Board (Amtrak), John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation, routine lists in the Coast Guard and NOAA, and other pending calendar business, 10 a.m., SR–253.

Subcommittee on Technology, Innovation, and Competitiveness, to hold hearings to examine high performance computing, 11 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold an oversight hearing on the implementation of Public Law 108–148, The Healthy Forests Restoration Act, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards, 9 a.m., SD–628.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, and the nominations of Elizabeth Dougherty, of the District of Columbia, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board, Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission, and Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine Department of Homeland Security purchase cards, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine antitrust concerns relating to credit card interchange rates, 9:30 a.m., SD–226.

Full Committee, business meeting to mark up S. 2703, to amend the Voting Rights Act of 1965, 2 p.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

House

Committee on Education and the Workforce, hearing entitled ''Guest Worker Programs: Impact on the American Workforce and U.S. Immigration Policy,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''DOE's Revised Schedule for Yucca Mountain,'' 2 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to consider H.R. 5637, Nonadmitted and Reinsurance Reform Act of 2006, 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled ''Coin and Currency Issues Facing Congress: Can We Still Afford Money?'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''Cutting Out the Waste: An Overview of H.R. 5766, Government Efficiency Act; and H.R. 3282, Abolishment of Obsolete Agencies and Federal Sunset Act of 2005,'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, to mark up H.R. 5814, Department of Homeland Security Authorization Act for Fiscal Year 2007, 10 a.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 1704, Second Chance Act of 2005; H.R. 5414, To enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts;" H.R. 5673, Criminal Restitution Improvement Act of 2006; H.R. 3509, Workplace Goods Job Growth and Competitiveness Act of 2005; and H.R. 5535, Prevention of Civil RICO Abuse Act of 2006, 10 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 138, To revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; H.R. 383, Ice Age Floods National Geologic Trail Designation Act of 2005; H.R. 631, To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; H.R. 1796, Mississippi River Trail Study Act; H.R. 2110, Colorado Northern Front Range Mountain Backdrop Protection Study Act; H.R. 2334, City of Oxnard Water Recycling and Desalination Act of 2005; H.R. 3350, Tribal Development Corporation Feasibility Study Act of 2005; H.R. 3534, Piedras Blancs Historic Light Station Outstanding Natural Area Act of 2005; H.R. 3961, To authorize the National Park Service to pay for services rendered by subcontractors under a General Service Administration Indefinite Deliver/Quantity Contract issued for work to be completed at the Grant Canyon National Park; H.R. 4382, Southern Nevada Readiness Center Act; H.R. 4588, Water Resources Research Act Amendments of 2005; H.R. 4750, Lower Republican River Basin Study Act; H.R. 4789, To require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington to the utility district; H.R. 4857, Endangered Species Compliance and Transparency Act of 2006; H.R. 4957, Tylersville Fish Hatchery Conveyance Act; H.R. 5016, Las Cienegas Enhancement Act; H.R. 5025, Mount Hood Stewardship Legacy Act; H.R. 5132, River Basin National Battlefield Study Act; H.R. 5381, National Fish Hatchery System Volunteer Act of 2006; H.R. 5539, North American Wetlands Conservation Reauthorization Act of 2006; H.R. 5802, NPS Concessions Reform Act of 2006; and H.R. 3603, Central Idaho Economic Development and Recreation Act, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 5684, United States-Oman Free Trade Agreement Implementation Act, 3 p.m., H–313 Capitol.

Committee on Science, and the Committee on House Administration, joint hearing on Voting Machines: Will New Standards and Guidelines Prevent Future Problems? 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: GSA Capital Investment and Leasing Program Resolutions; H.R. 4126, Chesapeake Bay Restoration Enhancement Act of 2005; H.R. 5483, Railroad Retirement Disability Earnings Act; H.R. 5782, Pipeline Safety Improvement Act of 2006; H.R. 5808, Public Transportation Security Assistance Act of 2006; H.R. 5810, To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs; a measure to Reform the Wright Amendment; H.R. 5811, MARPOl Annex VI Implementation Act of 2006; and H.R. 5812, Appalachian Regional Development Act Amendments of 2006, 11 a.m., 2167 Rayburn.

Subcommittee on Highways, Transit and Pipelines, oversight hearing on Transit Safety: the Federal Transit Administration's State Safety Oversight Program, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the role of national, state, and county veterans' service officers in claims development, 1 p.m., 334 Cannon.

Committee on Ways and Means, hearing to Review Outcomes of 1996 Welfare Reforms, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, hearing on FISA, 10 a.m., 2212 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 19

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of S. 728, Water Resources Development Act, with a vote expected to occur on final passage of H.R. 2864, House companion measure.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 19

House Chamber

Program for Wednesday: Consideration of suspensions as follows: (1) H.R. 5683—To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; (2) H. Con. Res. 448—Commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission; and (3) H. Res. 921—A resolution expressing support for the security of the State of Israel. Consideration of H.R. 2389—Pledge Protection Act of 2005 and H. Res. 920 (Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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