S. RES. 331

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. TALENT), the Senator from Oklahoma (Mr. COBURN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 507, supra.

S. RES. 508

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 508, supra.

S. RES. 513

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 513, a resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as ''National Historically Black Colleges and Universities Week''.

AMENDMENT NO. 4352

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4352 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4550

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4550 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4553

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, supra.

AMENDMENT NO. 4554

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4554 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4559

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, supra.

AMENDMENT NO. 4561

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4561 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4574

At the request of Mr. COLEMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4574 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4576

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4576 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):

S. 3639. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I join my colleague, from the Committee on Energy and Natural Resources, Senator DIANNE FEINSTEIN of California, in introducing the Reclaiming the Nation's Water Act—ReNew.

We introduce this bill after months of review of the Nation's program, now over a decade old, that attempts to encourage the reclamation and use of water. The Bureau's title XVI program originated in 1992 in response to the Southwestern drought of the late 1980s and early 1990s. At that time, Congress authorized the program in an attempt to alleviate pressure on the Colorado River system by augmenting existing supplies and developing new water sources.

Since then, Congress has authorized some 31 projects and appropriated about $325 million for the program. During a February 28, 2006, hearing of the Senate Water and Power Subcommittee, the Congressional Research Service reported that only three of these projects have received full Federal funding and that 9 are listed as ''inactive,'' meaning they have received little or no Federal moneys.

This massive backlog, which the Bureau of Reclamation has estimated will take at least 15 years to resolve, has not stopped local communities from seeking additional aid under the program. There are bills pending in Congress that would authorize an additional 19 projects—projects that will likely overwhelm the Bureau of Reclamation's budget, if they were all to be funded fully under the existing program.

In an effort to clarify the Federal role in developing new sources of water and in an effort to help local Government receive a dependable and timely supply of Federal assistance for truly worthy water reuse projects, we introduce this legislation to clarify and make permanent title XVI water reuse/reclamation/recycling grant assistance.

Briefly, the bill:

Amends the Reclamation and Wastewater and Groundwater Study and Facilities Act to provide standards and

procedures for the review of water reclamation and reuse projects. Under existing law, the title XVI program has operated without defined terms or specific purpose. This has led to confusion in recent years whether the title XVI program is primarily a demonstration program or was intended to finance permanent reclamation and reuse facilities. This legislation clarifies that the purpose of the title XVI program will be: (1) to assist in the development of permanent local and regional water reclamation and reuse projects; and (2) to further improve water reclamation and reuse technologies through research and demonstration activities.

The legislation also authorizes the Secretary of Interior to participate in opportunities for water reclamation and reuse, including water recycling and desalination activities in reclamation States. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review. New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

The bill as currently proposed also: (1) Strikes existing provisions providing for appraisal investigations and replaces them in part with a new planning and assistance program—$4.4 million authorized annually—for non-Federal project sponsors electing to seek help in developing project proposals.

(2) Strikes existing provisions providing for feasibility investigations and replaces them with a new technical and financial review process for evaluating non-Federal sponsor project proposals. Deadlines are included for the technical and financial viability reviews, and a process is established for reporting and making recommendations to Congress on project proposals for funding.

(3) Clarifies that projects must be authorized for construction by the Congress before funds may be expended by the Secretary of the Interior for project construction.

(4) Limits the Federal cost-share for projects to the lesser of 20 percent or $20 million of total project costs—the current limit is 25 percent or $20 million—excluding operations and maintenance costs.

(5) And makes numerous technical and conforming amendments.

Mr. President, I look forward to working with my colleagues, Members of the House, and the administration to perfect and move this bill through the process this year. I believe this bill will provide valuable assistance to local areas to increase the available supplies of potable water through the economic reuse and reclamation of water supplies, while providing an affordable and orderly process that will prove fairer to local communities and help them to receive federal assistance in a timely manner.

I ask unanimous consent that a copy of the legislation 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. 3639

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 ''Reclaiming the Nation's Water Act''.

SEC. 2. PURPOSE; DEFINITIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by striking section 1603;

(2) by redesignating section 1602 as section 1603; and

(3) by inserting after section 1601 the following:

''SEC. 1602. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this title are—

''(1) to assist in the development of permanent local and regional water reclamation and reuse projects in—

''(A) the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

''(B) the State of Hawaii; and

''(2) to further improvements in water reclamation and reuse technologies through the conduct of—

''(A) research; and

''(B) demonstration activities in the States and areas described in subparagraphs (A) and (B) of paragraph (1).

''(b) DEFINITIONS.—In this title:

''(1) FINANCIALLY CAPABLE PROJECT SPONSOR.—The term 'financially capable project sponsor' means a non-Federal project sponsor that is capable of providing—

''(A) the non-Federal share of the project costs; and

''(B) 100 percent of the operations and maintenance costs of the project.

''(2) NON-FEDERAL PROJECT SPONSOR.—The term 'non-Federal project sponsor' means a State, regional, or local authority or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

''(3) FEDERAL RECLAMATION LAWS.—The term 'Federal reclamation laws' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

''(4) RECLAIM; RECLAMATION.—The terms 'reclaim' and 'reclamation' include recycling and desalination.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) TECHNICALLY AND FINANCIALLY VIABLE PROJECT.—The term 'technically and financially viable project' means a project that—

''(A) is a technically viable project; and

''(B) has a financially capable project sponsor.

''(7) TECHNICALLY VIABLE PROJECT.—The term 'technically viable project' means a project that—

''(A) meets generally acceptable engineering, public health, and environmental standards; and

''(B) has obtained or is expected to obtain approval of all Federal, State, and local permits necessary for implementation of the project.''.

SEC. 3. GENERAL AUTHORITY.

Section 1603(a) of the Reclamation Wastewater and Groundwater Study and Facilities Act (as redesignated by section 2(2)), is amended—

(1) by striking ''The Secretary of the Interior'' and all that follows through ''is directed to'' and inserting ''The Secretary, acting pursuant to Federal reclamation laws, shall'';

(2) by striking ''investigate and identify'' and inserting ''participate in''; and

(3) by striking ''to conduct research, including desalting'' and inserting ''conduct research, including desalination''.

SEC. 4. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by striking section 1604 and inserting the following:

''SEC. 1604. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

''(a) AUTHORITY TO REVIEW.—The Secretary shall review any project proposal under this title that is—

''(1) developed by a non-Federal project sponsor—

''(A) independently; or

''(B) with the assistance of the Department of the Interior or any other governmental or nongovernmental entity; and

''(2) submitted or resubmitted to the Secretary by a non-Federal project sponsor, including a project proposal that has been previously reviewed for feasibility by the Secretary.

''(b) REQUIREMENTS.—In addition to complying with any requirements of other Federal laws, a project proposal submitted by a non-Federal project sponsor under this section shall—

''(1) provide sufficient evidence, as determined by the Secretary, to demonstrate that the project—

''(A) is a technically viable project; and

''(B) has a financially capable project sponsor; and

''(2) provide information on each of the factors described in subsection (d)(1)(B)(ii).

''(c) DETERMINATION OF FINANCIAL AND TECHNICAL VIABILITY.—

''(1) IN GENERAL.—Not later than 30 days after the date on which a non-Federal project sponsor submits a project proposal (including any supporting documentation) under subsection (a)(2), the Secretary shall provide to the non-Federal project sponsor written notice on whether the project proposal includes sufficient information under paragraph (2) for the Secretary to determine whether the proposed project is a technically and financially viable project.

''(2) CHECKLIST.—A project proposal shall include sufficient information for a determination under paragraph (1) if the proposal includes—

''(A) a map of the proposed project area and service area;

''(B) a project description or plan, including engineering plans;

''(C) the initial cost estimates for the project;

''(D) a financial plan for the project; and

''(E) a report on the status of any Federal, State, and local permits that are necessary to implement the project.

''(3) DETERMINATION OF INSUFFICIENT INFORMATION.—

''(A) IN GENERAL.—If the Secretary determines that there is insufficient information in the project proposal for the Secretary to determine whether the project is a technically and financially viable project—

''(i) the Secretary shall provide to the non-Federal project sponsor written notice that identifies any information that the Secretary determines to be necessary to make the determination; and

''(ii) the non-Federal project entity may submit a revised project proposal to the Secretary.

''(B) NOTIFICATION.—Not later than 21 days after the date on which a non-Federal project sponsor submits a revised proposal to the Secretary under subparagraph (A)(ii), the Secretary shall provide to the non-Federal project sponsor written notice that describes whether sufficient information has been provided to make a determination on whether the project is a technically and financially viable project.

''(d) NOTICE TO CONGRESS.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary shall submit to Congress a written notice of the findings of the Secretary that includes—

''(A) a statement and explanation of the determination on whether the project is a technically and financially viable project; and

''(B) a concise recommendation of the Secretary on whether the project should be authorized for construction, that is based on, but is not required to describe—

''(i) the results of the review of the project proposal under subsection (a); and

''(ii) the consideration of the following factors:

''(I) The cost per acre-foot of water to be produced by the project.

''(II) The quality and quantity of water to be produced by the project.

''(III) The cost-effectiveness of the project compared with other available alternatives, including whether other comparatively cost-effective alternatives for meeting a significant water supply need for the project exist.

''(IV) Any environmental benefits or adverse effects of the project.

''(V) The extent to which the project would help serve an identified Federal interest.

''(VI) The extent to which the project would provide regional benefits.

''(VII) Whether the project demonstrates innovative or alternative technologies or processes relating to water treatment or waste minimization and management.

''(2) AVAILABILITY.—To ensure that the determination and recommendation submitted under paragraph (1) are made publicly available, the Secretary shall—

''(A) transmit a copy of the written notice under paragraph (1) to—

''(i) the Committee on Energy and Natural Resources of the Senate; and

''(ii) the Committee on Resources of the House of Representatives; and

''(B) publish in the Federal Register notice of the availability of the written notice.

''(e) REVISIONS TO PROPOSAL.—

''(1) IN GENERAL.—If the Secretary determines under subsection (d)(1)(A) that a project is not a technically and financially viable project, the Secretary shall not be required to conduct further analysis of the project until the non-Federal project sponsor—

''(A) conducts an additional investigation of the project; and

''(B) resubmits a revised project proposal in accordance with this section.

''(2) COSTS.—The non-Federal project sponsor shall pay any costs associated with revising the project proposal under paragraph (1).

''(f) CONGRESSIONAL DETERMINATION AND AUTHORIZATION.—

''(1) CONGRESSIONAL DETERMINATION.—Congress may make the determination on whether to authorize a project under this title if—

''(A) the Secretary submits the written notice under subsection (d)(1);

''(B) by the date that is 60 days after the date on which a non-Federal project sponsor submits a project proposal under subsection (a)(2), the Secretary does not submit written notice to the non-Federal project sponsor under subsection (c)(1); or

''(C) by the date that is 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary does not submit the written notice under subsection (d)(1).

''(2) CONGRESSIONAL AUTHORIZATION.—Nothing in this section precludes Congress from authorizing a project under this title.

''(g) TRANSITION PROVISIONS.—

''(1) IN GENERAL.—A non-Federal project sponsor that has submitted to the Secretary for review a feasibility study for a project under this title before the date of enactment of the Reclaiming the Nation's Water Act may—

''(A) submit a new project proposal for approval under subsection (a); or

''(B) notify the Secretary in writing that the non-Federal project sponsor elects to seek approval of the project using the previously submitted feasibility study.

''(2) SUPPLEMENTAL INFORMATION.—If the non-Federal project sponsor makes the election under paragraph (1)(B), the non-Federal project sponsor may supplement the previously submitted feasibility study to provide additional information—

''(A) on whether the project is a technically and financially viable project; and

''(B) to address each of the factors described in subsection (d)(1)(B)(ii).

''(3) DETERMINATION OF TECHNICAL AND FINANCIAL VIABILITY.—Not later than 90 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall determine whether the project is a technically and financially viable project.

''(4) NOTICE TO CONGRESS.—Not later than 180 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall submit to Congress written notice on the determination and recommendation of the Secretary with respect to the proposal in accordance with subsection (d).''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) is amended—

(1) in subsection (b)(1)—

(A) by striking ''may not be appropriated'' and inserting ''may not be expended by the Secretary''; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) Congress has authorized the construction of the project;

''(B) the Secretary has determined that the project has a financially capable project sponsor; and'';

(2) in subsection (c), by striking ''the non-Federal project sponsor'' and all that follows through ''project's costs'' and inserting ''the project has a financially capable project sponsor''; and

(3) by adding at the end the following:

''(e) LIMITATION ON NEW PROJECTS.—

''(1) IN GENERAL.—The Federal share of the total costs of any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act shall be not more than 20 percent.

''(2) OPERATION AND MAINTENANCE COSTS.—No Federal funds shall be used to pay the costs of operating and maintaining any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act.

''(f) DEAUTHORIZATION.—Any project authorized under this title that has not received Federal funding by the date that is the later of the date that is 10 years after the date of enactment of the Reclaiming the Nation's Water Act or 10 years after the date on which construction of the project is authorized shall be deauthorized.''.

SEC. 6. REUSE PLANNING ASSISTANCE PROGRAM.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1639. REUSE PLANNING ASSISTANCE PROGRAM.

''(a) IN GENERAL.—The Secretary may cooperate with any non-Federal project sponsor in the preparation of any plan (including a project proposal) for the development of reclaimed water for reuse applications or environmental benefits that are in the public interest, as determined by the Secretary.

''(b) AGREEMENT.—

''(1) IN GENERAL.—At the request of a non-Federal project sponsor, the Secretary may enter into an agreement with the non-Federal project sponsor to provide for the preparation of a project proposal for review under section 1604(a).

''(2) REQUIREMENTS.—Any project proposal prepared under an agreement entered into under paragraph (1) shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including any regulations promulgated to carry out that Act.

''(3) CONSULTATION.—The Secretary shall consult and cooperate with appropriate Federal, State, regional, and local entities during the development of each project proposal prepared under an agreement entered into under paragraph (1).

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than $4,400,000 for fiscal year 2007 and each fiscal year thereafter, of which—

''(A) not more than $500,000 shall be expended in any 1 fiscal year for a plan for any 1 project; and

''(B) not more than a total of $1,000,000 shall be made available to a non-Federal project sponsor to prepare a plan for any 1 project.

''(2) FEDERAL SHARE.—The Federal share of the total costs of any plan for a project prepared under an agreement entered into under subsection (b)(1) shall be not more than 50 percent.''.

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) in section 1612(a) (43 U.S.C. 390h–10(a)), by striking ''California or'' and inserting ''California, or''; and

(2) in section 1632(a) (43 U.S.C. 390h–14(a))—

(A) by striking ''Secretary of the Interior'' and inserting ''Secretary''; and

(B) in paragraph (2), by striking the comma and inserting a semicolon.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended—

(1) by striking the items relating to sections 1602 through 1604 and inserting the following:

''Sec. 1602. Purposes; Definitions.
''Sec. 1603. General authority.
''Sec. 1604. Review of proposals submitted by non-Federal project sponsors.'';

and

(2) by inserting after the item relating to section 1638 the following:

''Sec. 1639. Reuse planning assistance program.''.

Mrs. FEINSTEIN. Mr. President. I rise today to join my distinguished colleague, Senator MURKOWSKI, chair of the Subcommittee on Water and Power, Committee on Energy and Natural Resources, in introducing legislation to provide new authority and streamlined review criteria for the Bureau of Reclamation's title XVI Water Recycling Program.

I first want to thank Senator MURKOWSKI for her leadership in this area. I deeply appreciate her willingness to work with me on this issue.

I also want to thank my California colleague and friend, Representative GRACE NAPOLITANO, ranking member on the Water and Power Subcommittee, who is introducing identical companion legislation in the House of Representatives today.

This legislation is an outgrowth of subcommittee oversight hearings last February and is the product of more than 2 years of discussion, evaluation, and consultation with the Bureau of Reclamation as well as numerous water agencies and communities.

Today, the West faces two daunting challenges simultaneously. The first is drought and the impacts of continued climate gyration—wild swings in previously established weather patterns. The second is the unprecedented growth throughout California and the Western States. Population continues to not just grow but surge throughout this region.

The title XVI, Water Recycling Program enables water users in the West to stretch existing supplies through the application of reclamation, reuse, recycling and desalination technologies.

Title XVI was initially authorized in 1992, following a severe multiyear drought in California and other Western States. A drought of equal severity reduced the mighty Colorado River to record lows only a few years ago. We must find ways to expand our water supplies, and do so without generating regional or environmental conflict. Reusing our existing supplies and stretching those supplies is a significant part of the solution. The title XVI program provides the authority and framework to accomplish these water resource development objectives to meet the needs of our cities and urban areas, our farms and ranches and our diverse environment.

This legislation clarifies and makes permanent the U.S. Department of the Interior and Bureau of Reclamation's title XVI water reuse/reclamation/recycling grant authority for the development of new sources of water. In so doing, this proposed legislation will help State and local governments and water departments and agencies develop new water and reliable water supplies.

The bill amends the Reclamation and Wastewater and Groundwater Study and Facilities Act, 1992, to provide new standards and procedures for the review of water reclamation and reuse projects by the Interior Department's Bureau of Reclamation. Additionally, the legislation sets forth specific criteria to assist Congress in the evaluation and selection of projects for Federal funding.

In the recent past, the Bureau of Reclamation was not able to review and report on proposed projects in a timely fashion. This legislation establishes firm deadlines, a clear process, and very specific criteria by which project reviews are to be conducted.

This program, unlike traditional Bureau of Reclamation project funding, provides a grant, not to exceed 20 percent of the capital costs or $20 million making this the most leveraged and most cost-shared Federal water resources program. In setting the 20 percent cap, this legislation reduces the overall percentage Federal participation to 20 percent from the 1992 standard of 25 percent to enable more projects to receive Federal cost-share support.

Reclaiming the Nation's Water Act is designed to accomplish one major objective—development of new water supplies responsibly—and in a timely manner. From a California perspective, this legislation compliments and is fully consistent with the recently published California Water Plan Update 2005—published in 2006—by California Department of Water Resources and the 2002 State of California's Water Recycling Task Force, Water Recycling 2030. Both reports conclude that a significant portion of new water to be developed in California will come from water recycling.

Throughout the Nation's more than 200-year history, water conflicts in the West have ''erupted'' periodically. This program is designed to reduce conflict through sound planning, improved management, expanding existing supplies, leveraged financing and meaningful partnerships.

The Subcommittee on Water and Power will hold a hearing on this proposed legislation later this month. At that time, the subcommittee will also hear testimony on three proposed projects, one each in Riverside, Orange and San Bernardino Counties. I have carefully reviewed these projects. They are designed to produce approximately 300,000 acre-feet of new water annually. These projects simultaneously reduce pressure on the Bay Delta—and other Federal and State water users dependent on the water from the delta—as well as the Colorado River. They will help drought-proof their water service areas.

Not too long ago, in a speech delivered at a WateReuse Association conference, John Keys, the recently retired Commissioner, Bureau of Reclamation, called recycled water The Last River to Tap. Commissioner Keys was right.

I would like to provide some additional detail on the legislation. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review.

New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

This program is vital to the West's future. I look forward to working with Senator MURKOWSKI and my colleagues on the Energy Committee. I want to also thank Energy Committee Chairman PETE DOMENICI and the committee's ranking member, Senator JEFF BINGAMAN for their support and assistance in the preparation of this legislation.

By Mrs. FEINSTEIN:

S. 3646. A bill to authorize the Secretary of the Interior to create a bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the North Bay Water Reuse Program Act of 2006. The act would authorize an innovative program to protect the environment while meeting the future water needs of urban and agricultural water users in the North Bay region of California for years to come.

As regulations continue to tighten restrictions on wastewater discharges into the San Francisco Bay, communities are faced with major financial challenges as they determine the best way to discharge their treated wastewater. At the same time, agricultural producers in the North Bay region are facing serious water shortages resulting from a serious overdraft of groundwater. The North Bay Water Reuse Program will solve both problems together.

When completed, the North Bay Water Reuse Program will provide for

the collection and conveyance of treated urban wastewater to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year. The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve instream flows for riparian habitat and fisheries recovery.

In the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for restoration of wetland habitat in the former Cargill Salt Ponds.

This reclaimed water that would be applied productively to vineyards, fields and wetlands is now being discharged as treated wastewater into the San Francisco Bay-Delta Estuary. The North Bay Water Reuse Program will benefit the ecosystem of the bay by providing a cost-effective, environmentally sound alternative for the disposal of urban wastewater.

The legislation I am introducing today allows for the Federal participation of the first phase of this long-term regional project. This cost-shared water reclamation and reuse program is the first of its kind in Northern California, and the first to provide water primarily for agricultural and environmental uses. It is supported by the local governments in three counties—Napa, Sonoma and Marin—that have joined together to undertake the project. Agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, and the North Bay Agriculture Alliance, support the program. And environmental organizations, such as The Bay Institute, likewise endorse the program.

The North Bay Water Reuse Program brings together stakeholders that are usually at odds with one another and provides an ideal solution to guarantee water to the environment and agricultural producers, and simultaneously providing regulatory relief to wastewater agencies.

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. 3646

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 ''North Bay Water Reuse Program Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

(A) Marin County;

(B) Napa County;

(C) Solano County; or

(D) Sonoma County.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of California.

(4) WATER RECLAMATION AND REUSE PROJECT.—The term ''water reclamation and reuse project'' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

(A) water quality improvement;

(B) wastewater treatment;

(C) water reclamation and reuse;

(D) groundwater recharge and protection;

(E) surface water augmentation; or

(F) other related improvements.

SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through a cooperative agreement with the State or a subdivision of a State, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(1) non-Federal entities; and

(2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) COOPERATIVE AGREEMENT.—

(1) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall, at a minimum, specify the responsibilities of the Secretary and the eligible entity with respect to—

(A) ensuring that the cost-share requirements established by subsection (e) are met;

(B) completing—

(i) a needs assessment for the water reclamation and reuse project; and

(ii) the planning and final design of the water reclamation and reuse project;

(C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administrating any contract relating to the construction of the water reclamation and reuse project.

(2) PHASED PROJECT.—

(A) IN GENERAL.—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, designing, conducting related preconstruction activities for, and constructing a water reclamation and reuse project.

(2) USE.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 25 percent of the total cost of a water reclamation and reuse project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

(i) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(ii) owned by an eligible entity.

(f) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal right to—

(A) the water of a stream; or

(B) any groundwater resource.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or $25,000,000, whichever is less, to remain available until expended.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, Mr. MENENDEZ, and Mr. AKAKA):

S. 3647. A bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA–PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage; to the Committee on Finance.

Mr. DORGAN. Mr. President, nearly one-third of Medicare beneficiaries are going to become all too familiar with what is called the ''doughnut hole'' over the next several months. The doughnut hole is a gap in coverage that exists in most Medicare prescription drug plans.

Here is how the doughnut hole works: Under most plans, Medicare will pay for 75 percent of drug costs up to $2,250 after an initial $250 deductible. But then Medicare pays nothing until drug expenses exceed $5,100. During this gap in coverage, beneficiaries continue to pay monthly premiums but get no drug coverage at all. I think this is unfair.

That is why I am introducing the Prescription for Fairness Act. This legislation is simple. It says seniors should not have to pay monthly premiums during the time when they have

no drug coverage. The legislation would waive the monthly premium for any month that a senior is trapped in the doughnut hole.

The legislation will help people like Mrs. McLain, an 88-year-old woman who lives in a long-term care facility in Bottineau, ND. She enrolled in the Medicare prescription drug benefit earlier this year. Her brother, who helps pay her health care bills, was recently contacted by their local pharmacist. The pharmacist explained that Mrs. McLain no longer has Medicare drug coverage and must pay about $500 every month for her diabetes medications. This is not an expense that they had planned for, nor one they can afford. They did not realize that this coverage gap existed when they enrolled in the plan. This is one of countless stories that we will hear over the next several months as seniors fall into this coverage gap.

Some will say that beneficiaries trapped in the doughnut hole should have selected plans that provide better coverage. I think it is unfair to blame beneficiaries for selecting the wrong plan. A new report by the Government Accountability Office found that the call centers operated by the Medicare prescription drug plan sponsors only gave accurate and complete information to callers about one-third of the time. More than one in five callers received completely inaccurate information.

It is worth noting that the Prescription for Fairness Act will have no affect on the bottom lines of the participating Medicare prescription drug plans. Under the legislation, the Secretary of the Department of Health and Human Services will simply pay the monthly premium on behalf of the beneficiary. It is offset by reducing the Medicare stabilization fund. This fund is completely unnecessary. It is a $10 billion pot of money that was added to the Medicare Modernization Act to provide bonus payments and incentives to managed care companies to enter the Medicare market. It is time that Congress provides a safety net for seniors, not health plans.

This legislation merely provides seniors some relief in the short term. The legislation would expire after fiscal year 2008. This Congress still needs to close the doughnut hole. In October, I joined Senator BILL NELSON to introduce the Medicare Prescription Drug Gap Reduction Act, which would allow the Secretary of Health and Human Services to negotiate fair drug prices and the savings would be used to eliminate the doughnut hole. Believe it or not, the Medicare Modernization Act contained a provision that explicitly prohibits the government from using its market clout to negotiate for fair drug prices for our seniors.

I am hopeful that the Senate will take up the Medicare Prescription Drug Gap Reduction Act. In the meantime, let's make sure seniors are not charged for a benefit that they are not receiving. The Prescription for Fairness Act does just that.

I am pleased to be joined by Senators BINGAMAN, STABENOW, LAUTENBERG, JOHNSON, MIKULSKI, CLINTON, MENENDEZ and AKAKA in introducing this important legislation. I am also pleased that Families USA has endorsed this legislation.

I ask for 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. 3647

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 ''Prescription for Fairness Act of 2006''.

SEC. 2. WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended by adding at the end the following new paragraph:

''(7) WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.—

''(A) IN GENERAL.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, in the case of an individual enrolled in a prescription drug plan or an MA–PD plan which does not provide any coverage of benefits after the individual has reached the initial coverage limit under paragraph (3) of section 1860D–2(b) and before the individual has reached the annual out-of-pocket threshold specified in paragraph (4)(B) of such section, the following rules shall apply:

''(i) The individual is not responsible for payment of the monthly beneficiary premium (as computed under paragraph (2) and adjusted under paragraph (1)) under such a plan for any month during which such coverage is not provided.

''(ii) The Secretary shall provide for payment of such monthly beneficiary premium under such a plan on behalf of such an individual for any month described in clause (i). Such payment shall be made from the Medicare Prescription Drug Account.

''(B) REFUND OF PREMIUMS PAID.—In the case of such an individual who pays the monthly beneficiary premium under such a plan for a month during which such coverage is not provided, the Secretary shall refund an amount equal to the premium paid. Such refund shall be made from such Account.''.

(b) CONFORMING AMENDMENTS.—Section 1854(b)(1) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)) is amended—

(1) in subparagraph (A), by inserting ''and, if applicable, the waiver under subparagraph (D)'' after ''subparagraph (C)''; and

(2) by adding at the end the following new subparagraph:

''(D) WAIVER OF MA MONTHLY PRESCRIPTION DRUG BENEFICIARY PREMIUM.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, the provisions of section 1860D–13(a)(7) shall apply to the MA monthly prescription drug beneficiary premium in the same manner as they apply to the monthly beneficiary premium under such section.''.

SEC. 3. REDUCTION OF MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND AMOUNT.

(a) IN GENERAL.—Section 1858(e)(2) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)) is amended—

(1) in subparagraph (A)(i), by striking ''There shall'' and inserting ''Subject to subparagraph (E), there shall''; and

(2) by adding at the end the following new subparagraph:

''(E) REDUCTION IN INITIAL FUNDING TO OFFSET COST OF WAIVER OF PRESCRIPTION DRUG PREMIUM.—The Secretary shall reduce the amount available under subparagraph (A)(i) by an amount equal to the Secretary's estimate of the increased expenditures from the Medicare Prescription Drug Account by reason of the amendments made by section 2 of the Prescription for Fairness Act of 2006.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2181).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today with my good friend and colleague, Senator BINGAMAN, to introduce the Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006, an important piece of legislation for some of our constituents, the people of the Pueblo of Isleta.

The Pueblo filed suit against the United States under Public Law 104–198, which conferred jurisdiction on the U.S. Court of Federal Claims with respect to land claims of the Pueblo of Isleta Indian Tribe, alleging loss and injury to the Pueblo's lands and property interests because of mismanagement by the Federal Government. The parties to the suit have spent several years reviewing and discussing these allegations, and this year the Pueblo of Isleta, the U.S. Department of Justice, and the U.S. Department of Interior have come to an agreement on how to resolve those claims. The legislation I am introducing today with Senator BINGAMAN will codify the parties' agreement.

Under the terms of the settlement agreement, the parties have agreed on how to use the funds paid to the Pueblo of Isleta. Some of the funds will be used for drainage and remediation of the Pueblo's agricultural lands that have been waterlogged. Some of the funds will be spent to rehabilitate and remediate the Pueblo's forest lands. Other funds will be used for the acquisition, restoration, improvement, development, and protection of land, natural resources and cultural resources of the Pueblo and for the payment and reimbursement of expenses incurred in connection with this lawsuit.

The Pueblo of Isleta, the Department of Interior, and the Department of Justice have worked long and hard to resolve this matter. I believe Congress should act expeditiously to ratify the agreement they have reached.

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. 3648

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 ''Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is pending before the United States Court of Federal Claims a civil action filed by the Pueblo against the United States in which the Pueblo seeks to recover damages pursuant to the Isleta Jurisdictional Act;

(2) the Pueblo and the United States, after a diligent investigation of the Pueblo claims, have negotiated a Settlement Agreement, the validity and effectiveness of which is contingent on the enactment of enabling legislation;

(3) certain land of the Pueblo is waterlogged, and it would be to the benefit of the Pueblo and other water users to drain the land and return water to the Rio Grande River; and

(4) there is Pueblo forest land in need of remediation in order to improve timber yields, reduce the threat of fire, reduce erosion, and improve grazing conditions.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve the drainage of the irrigated land, the health of the forest land, and other natural resources of the Pueblo; and

(2) to settle all claims that were raised or could have been raised by the Pueblo against the United States under the Isleta Jurisdictional Act in accordance with section 5.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLETA JURISDICTIONAL ACT.—The term ''Isleta Jurisdictional Act'' means Public Law 104–198 (110 Stat. 2418).

(2) PUEBLO.—The term ''Pueblo'' means the Pueblo of Isleta, a federally-recognized Indian tribe.

(3) RESTORATION FUND.—The term ''Restoration Fund'' means the Pueblo of Isleta Natural Resources Restoration Fund established by section 4(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement entered into between the United States and the Pueblo dated July 12, 2005, as modified by the Extension and Modification Agreement executed by the United States and the Pueblo on June 22, 2006, to settle the claims of the Pueblo in Docket No. 98–166L, a case pending in the United States Court of Federal Claims.

SEC. 4. PUEBLO OF ISLETA NATURAL RESOURCES RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the ''Pueblo of Isleta Natural Resources Restoration Fund'', consisting of—

(1) such amounts as are transferred to the Restoration Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Restoration Fund under subsection (d).

(b) TRANSFERS TO RESTORATION FUND.—Upon entry of the final judgment described in section 5(b), there shall be transferred to the Restoration Fund, in accordance with conditions specified in the Settlement Agreement and this Act—

(1) $32,838,750 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code; and

(2) in addition to the amounts transferred under paragraph (1), at such times and in such amounts as are specified for that purpose in the annual budget of the Department of the Interior, authorized to be appropriated by subsection (f), and made available by an Act of appropriation, a total of $7,200,000.

(c) DISTRIBUTION OF AMOUNTS FROM RESTORATION FUND.—

(1) APPROPRIATED AMOUNTS.—

(A) IN GENERAL.—Subject to paragraph (3), upon the request of the Pueblo, the Secretary shall distribute amounts deposited in the Restoration Fund pursuant to section V of the Settlement Agreement and subsection (b)(2), in accordance with the terms and conditions of the Settlement Agreement and this Act, on the condition that the Secretary, before any such distribution, receives from the Pueblo such assurances as are satisfactory to the Secretary that—

(i) the Pueblo shall deliver funds in the amount of $7,100,000 toward drainage and remediation of the agricultural land and rehabilitation of forest and range land of the Pueblo in accordance with section IV(C) and IV(D) of the Settlement Agreement; and

(ii) those funds shall be available for expenditure for drainage and remediation expenses as provided in sections IV(C) and IV(D) of the Settlement Agreement on the dates on which the Secretary makes distributions, and in amounts equal to the amounts so distributed, in accordance with sections IV(A) and IV(B) of the Settlement Agreement.

(B) USE OF FUNDS.—Of the amounts distributed by the Secretary from the Restoration Fund under subparagraph (A)—

(i) $5,700,000 shall be available to the Pueblo for use in carrying out the drainage and remediation of approximately 1,081 acres of waterlogged agricultural land, as described in section IV(A) of the Settlement Agreement; and

(ii) $1,500,000 shall be available to the Pueblo for use in carrying out the rehabilitation and remediation of forest and range land, as described in section IV(B) of the Settlement Agreement.

(C) FEDERAL CONSULTATION.—Restoration work carried out using funds distributed under this paragraph shall be planned and performed in consultation with—

(i) the Bureau of Indian Affairs; and

(ii) such other Federal agencies as are necessary.

(D) UNUSED FUNDS.—Any funds, including any interest income, that are distributed under this paragraph but that are not needed to carry out this paragraph shall be available for use in accordance with paragraph (2)(A).

(2) AMOUNTS FROM JUDGMENT FUND.—

(A) IN GENERAL.—Subject to paragraph (3), the amount paid into the Restoration Fund under subsection (b)(1), and interest income resulting from investment of that amount, shall be available to the Pueblo for—

(i) the acquisition, restoration, improvement, development, and protection of land, natural resources, and cultural resources within the exterior boundaries of the Pueblo, including improvements to the water supply and sewage treatment facilities of the Pueblo; and

(ii) for the payment and reimbursement of attorney and expert witness fees and expenses incurred in connection with Docket No. 98–166L of the United States Court of Federal Claims, as provided in the Settlement Agreement.

(B) NO CONTINGENCY ON PROVISION OF FUNDS BY PUEBLO.—The receipt and use of funds by the Pueblo under this paragraph shall not be contingent upon the provision by the Pueblo of the funds described in paragraph (1)(A)(i).

(3) EXPENDITURES AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—Subject to clause (ii), the Pueblo may withdraw all or part of the Restoration Fund on approval by the Secretary of a tribal management plan in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan described in clause (i) shall require that the Pueblo shall expend any funds withdrawn from the Restoration Fund under this paragraph in a manner consistent with the purposes described in the Settlement Agreement.

(B) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan described in subparagraph (A)(i) to ensure that any funds withdrawn from the Restoration Fund under this paragraph are used in accordance with this Act.

(C) LIABILITY.—If the Pueblo exercises the right to withdraw funds from the Restoration Fund under this paragraph, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the accounting, disbursement, or investment of the funds withdrawn.

(D) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portion of the funds in the Restoration Fund made available under this Act that the Pueblo does not withdraw under this paragraph.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Pueblo remaining in the Restoration Fund will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Settlement Agreement.

(E) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes expenditures from the Restoration Fund during the year covered by the report.

(d) MAINTENANCE AND INVESTMENT OF RESTORATION FUND.—

(1) IN GENERAL.—The Restoration Fund and amounts in the Restoration Fund shall be maintained and invested by the Secretary of the Interior pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037, chapter 648).

(2) CREDITS TO RESTORATION FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Restoration Fund shall be credited to, and form a part of, the Restoration Fund.

(e) PROHIBITION ON PER-CAPITA PAYMENTS.—No portion of the amounts in the Restoration Fund shall be available for payment on a per-capita basis to members of the Pueblo.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Restoration Fund $7,200,000.

SEC. 5. RATIFICATION OF SETTLEMENT, DISMISSAL OF LITIGATION, AND COMPENSATION TO PUEBLO.

(a) RATIFICATION OF SETTLEMENT AGREEMENT.—The Settlement Agreement is ratified.

(b) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the Pueblo and the United States shall execute

and file a joint stipulation for entry of final judgment in the case of Pueblo of Isleta v. United States, Docket 98–166L, in the United States Court of Federal Claims in such form and such manner as are acceptable to the Attorney General and the Pueblo.

(c) COMPENSATION.—After the date of enactment of this Act, in accordance with the Settlement Agreement, and upon entry of the final judgment described in subsection (b)—

(1) compensation to the Pueblo shall be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, in the total amount of $32,838,750 for all monetary damages and attorney fees, interest, and any other fees and costs of any kind that were or could have been presented in connection with Docket No. 98–166L of the United States Court of Federal Claims; but

(2) the Pueblo shall retain all rights, including the right to bring civil actions based on causes of action, relating to the removal of ordnance under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Defense Environmental Restoration Program under section 2701 of title 10, United States Code; and

(C) any contract entered into by the Pueblo for the removal of ordnance.

(d) OTHER LIMITATIONS ON USE OF FUNDS.—The Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to funds distributed or withdrawn from the Restoration Fund under this Act.

(e) NO EFFECT ON LAND, RESOURCES, OR WATER RIGHTS.—Nothing in this Act affects the status of land and natural resources of the Pueblo or any water right of the Pueblo.

Mr. BINGAMAN. Mr. President, I'm pleased today to join my colleague Senator DOMENICI in sponsoring the Pueblo of Isleta Settlement and Natural Resources Restoration Act. This bill would settle a longstanding dispute over federal mismanagement of lands that resulted in lands within the Pueblo being rendered unusable due to water intrusion. The money provided under the settlement would be designated towards remedying these losses.

Like any settlement, I imagine neither side is completely happy with the result but it is a significant step and will begin the process of restoring inundated lands and acquiring substitute lands. I am happy both sides were able to work out their differences and come up with a solution we can support in Congress. I hope that, in addition to the financial commitment in the bill, the Department of Interior will continue to be a partner with the Pueblo in achieving the restoration of their lands.

I hope my colleagues will join us to quickly move this legislation along so we can begin to restore these lands for the people of the Pueblo of Isleta.

By Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. DORGAN, Mr. KENNEDY, Ms. STABENOW, Mr. DAYTON, Mr. JOHNSON, Mrs. CLINTON, and Mr. AKAKA):

S. 3650. A bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators LAUTENBERG, MENENDEZ, DORGAN, KENNEDY, STABENOW, DAYTON, JOHNSON, CLINTON, and AKAKA entitled the ''Helping to Fill the Medicare Rx Gap Act of 2006.'' This legislation and companion legislation to be introduced by Congressman DINGELL fixes an important problem for Medicare beneficiaries and safety net providers by allowing costs incurred by AIDS Drug Assistance Programs, ADAPs, the Indian Health Service, IHS, federally qualified health centers, certain safety net hospitals, and pharmaceutical manufacturer-sponsored Patient Assistance Programs, PAPs—entities that provide prescription drugs or drug assistance for populations under their care—to count toward a beneficiary's annual out-of-pocket threshold as established under the Medicare Modernization Act, MMA.

With the Medicare drug benefit now in effect for more than six months, approximately 3.4 million seniors are reaching the point at which coverage is eliminated until they reach the catastrophic limit. Under the MMA, Medicare pays 75 percent of drug costs until a beneficiary's expenses reach $2,250 in a year. Then it stops paying until costs exceed $5,100, leaving a so-called ''doughnut hole'' of $2,850 that seniors are expected to manage on their own. According to the Kaiser Family Foundation, about 6.9 million Medicare beneficiaries will have to deal with a gap in their drug coverage at some point this year.

An important part of the MMA's prescription drug benefit requires the tracking of beneficiaries' ''true out-of-pocket'' costs, TrOOP, to determine the point at which a beneficiary becomes eligible for catastrophic coverage. In an additional effort to constrain the cost of the prescription drug benefit, the MMA limited the types of expenditures that could count toward a beneficiary's TrOOP, including only:

Cost-sharing related to the annual deductible; costs borne by the Part D enrollee (or contributions by friends or family members on the beneficiary's behalf); contributions from qualifying State Pharmacy Assistance Programs, SPAPs; contributions from eligible charitable organizations; and waivers or reductions by commercial pharmacies of cost-sharing requirements of Medicare prescription drug plans.

Under current law, costs incurred by AIDS Drug Assistance Programs, Indian Health Service, IHS, pharmacies, community health centers, and certain safety net hospital pharmacies on behalf of Part D enrollees during their coverage gap—i.e. while the enrollee is in the so-called ''doughnut hole''—are not permitted to count for TrOOP purposes. In turn, many individuals with HIV/AIDS, Native Americans, and other low-income individuals receiving assistance through community health centers or other qualified safety net hospital pharmacies are never able to reach the catastrophic limit—the point at which Medicare would pay 95 percent of the beneficiary's drug costs. As a result, these beneficiaries are forced to pay premiums to their Medicare drug plan and to absorb the monthly drug costs for a benefit they are not able to access.

A study that was recently published in the New England Journal of Medicine found that prescription drug plans that include doughnut hole-like coverage gaps may lower beneficiary drug costs but any savings are offset by increases in the costs of hospitalizations and emergency room use. Specifically, the study found that patients with such capped benefits had higher rates of nonelective hospitalizations, visits to the emergency department, and even death. It certainly is not surprising that the coverage gap will result in many Americans going without needed medications but it is important to note that overall medical costs are not reduced and that providers will be disproportionately affected when the doughnut hole is reached.

And just when charity pharmaceutical assistance programs are needed most, the current policy is making it difficult for pharmaceutical companies to continue to provide free pharmaceuticals to our nation's poor elderly. The HHS OIG has issued guidance that prohibits costs incurred on behalf of Part D beneficiaries by pharmaceutical manufacturer-sponsored Pharmaceutical Assistance Programs, PAPs—programs run by the pharmaceutical industry that provide free or low-cost drugs to eligible poor and low-income individuals to count toward a patient's TrOOP due to concerns that providing drugs through these programs might violate the federal anti-kickback statute. The anti-kickback statute prohibits offering or receiving payment to increase the use of products or services—in this case, to steer prescription drug use—at the cost of Federal health care programs. In turn, several pharmaceutical manufacturers are considering terminating their PAPs to avoid running afoul of the law. According to a January article in the Washington Post, 37 pharmaceutical companies donated 22 million prescriptions worth $4.1 billion through PAPs. Across the Nation seniors who benefit from these programs are fearful that they will be forced to go off needed medications or to go into bankruptcy if these programs are not available to help them.

While HHS is working with the pharmaceutical industry to develop guidelines that would allow PAPs to continue to operate in compliance with current law, the HHS OIG maintains that PAP costs will not be permitted to count toward a patient's TrOOP in any circumstance. As a result, similar to the ADAPs, IHS pharmacies, community health centers and safety net hospital pharmacies, PAPs that provide prescription drugs for patients during the coverage gap are forced to become the ''payer of last resort'' because the costs they incur are not permitted to count toward TrOOP expenses and thus, the patient is unable to reach the catastrophic limit.

Pharmacy Assistance Programs, AIDS Drug Assistance Programs, community health centers, and safety net hospital pharmacies will maintain their commitment to provide assistance to low-income senior citizens and people with disabilities in the coverage gap but the current policy imposes a significant financial burden on our nation's health care safety net. While we all recognize the importance of controlling costs, this policy stands to harm vulnerable beneficiaries and safety net providers by permitting the Medicare program to shift the cost burden on to a variety of other federal programs, including discretionary safety net programs, and PAPs. It does not make sense that the Federal Government pays private drug plans a capitated rate to provide services and beneficiaries pay monthly premiums to Medicare while ADAPs, IHS pharmacies, community health centers and certain safety net hospital pharmacies and pharmaceutical manufacturer PAPs are left to shoulder the cost of providing prescription medications to their population of enrollees who will never reach the catastrophic limit. Just as current policy allows SPAP spending to count toward the catastrophic limit so should the costs incurred by these entities.

In addition, this legislation would correct the inequity in the current policy which unfairly discriminates between beneficiaries who receive their prescription drugs from commercial pharmacies and those who receive their medications through PAPs or from safety net pharmacies run by the IHS, community health centers, and certain public hospitals. Currently, only commercial pharmacies' waivers or reductions in Medicare Part D cost-sharing requirements are allowed to count towards TrOOP. This legislation would prevent lower-income Medicare beneficiaries from getting trapped in the doughnut hole by leveling the playing field so that beneficiaries who get their drugs through PAPs or pharmacies run by the IHS, community health centers, or public hospitals pharmacies can move just as quickly toward the catastrophic coverage benefit.

Mr. President, I urge your support for this important legislation to allow Part D-related costs incurred by ADAPs, IHS, federally qualified health centers, and certain safety net hospitals as well as pharmaceutical manufacturer PAPs to count toward a beneficiary's TrOOP expenses. This bill would ensure that all Part D enrollees are permitted appropriate access to the catastrophic coverage that was promised under the MMA.

Mr. President, I commend to my colleagues the New England Journal of Medicine study entitled ''Unintended Consequences of Caps on Medicare Drug Benefits,'' and I ask unanimous consent that the Washington Post article and the text of the bill to 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. 3650

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 ''Helping Fill the Medicare Rx Gap Act of 2006''.

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by striking ''such costs shall be treated as incurred only if'' and inserting ''subject to clause (iii), such costs shall be treated as incurred if''

(B) by striking '', under section 1860D–14, or under a State Pharmaceutical Assistance Program''; and

(C) by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following new clause:

''(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

''(I) under section 1860D–14;

''(II) under a State Pharmaceutical Assistance Program;

''(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

''(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

''(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

''(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

''(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2006.

SEC. 3. PROVIDING A SAFE HARBOR FOR PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAMS.

(a) SAFE HARBOR.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting a semicolon;

(3) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(4) in subparagraph (I), as so redesignated—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following new subparagraph:

''(J) any remuneration paid by a pharmaceutical manufacturer patient assistance program, either in cash or through the distribution or donation of covered Part D drugs (as defined in section 1860D–2(e)), to an individual enrolled in a prescription drug plan under part D of title XVIII or in an MA–PD plan under part C of such title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to remuneration paid on or after January 1, 2006.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE HIGH COST OF DRUG CAPS

BENEFIT LIMITS MEAN MORE HOSPITAL VISITS, STUDY SAYS

JUNE 6, 2006.—People with limited prescription drug coverage skip their medicines, make more trips to the hospital and die sooner than patients with unlimited benefits, a New England Journal of Medicine study found.

The study compared the medical records of 157,275 people in a plan that covered only the first $1,000 worth of drugs with those of 41,904 people who had unlimited drug coverage.

Those with limited drug coverage spent 31 percent less on drugs, but their total medical costs were not significantly lower, as they had a 9 percent greater chance of going to the emergency room and a 13 percent greater chance of landing in the hospital.

''The savings in drug costs from the cap were offset by increases in the costs of hospitalization and emergency department care,'' concluded the researchers, who were led by John Hsu of Kaiser Permanente in Oakland, Calif.

The annual death rate of people whose drug benefits were capped was 22 percent higher than those with unlimited benefits.

''These changes affect the sickest patients the most, since they reach their caps on benefits earlier in the year than other patients,'' said Kenneth Thorpe, of Emory University in Atlanta, in a Journal editorial.

The study is especially relevant to the new Medicare Part D drug plans: Many of them have significant gaps in coverage, or ''doughnut holes,'' where enrollees must pay in full for annual drug costs between $2,250 and $5,100.

''In short, caps on drug benefits, such as those used in Medicare, for a population of patients with chronic illnesses result in worse outcomes and do not reduce spending considerably,'' said Thorpe.

The study showed that while 26 percent of people with diabetes skipped at least 20 percent of their doses if their drug benefits were capped, the rate was 21 percent for those who dIdn't have a cap.

All patients in the study had a required copayment of $15 to $30 for brand-name drugs, and $10 for generic medicines.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 527—CONDEMNING IN THE STRONGEST TERMS THE JULY 11, 2006, TERRORIST ATTACKS IN INDIA AND EXPRESSING SYMPATHY AND SUPPORT FOR THE FAMILIES OF THE DECEASED VICTIMS AND WOUNDED AS WELL AS STEADFAST SUPPORT TO THE GOVERNMENT OF INDIA AS IT SEEKS TO REASSURE AND PROTECT THE PEOPLE OF INDIA AND TO BRING THE PERPETRATORS OF THIS DESPICABLE ACT OF TERRORISM TO JUSTICE

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. COLEMAN, Mr. FEINGOLD, Mr. VOINOVICH, Mr. ALLEN, Mr. ALEXANDER, Mr. HAGEL, Mr. OBAMA, Mrs. DOLE, Mr. CORNYN, Ms. COLLINS, Mr. CHAFEE, Mrs. BOXER, Mrs. CLINTON, Mr. SARBANES, Mr. BROWNBACK, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas, on July 11, 2006, during evening rush hour, 7 major explosions occurred on commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 400 innocent people;

Whereas the Prime Minister of India, Manmohan Singh, has urged calm in the country and vowed to take all possible measures to maintain law and order and to defeat the forces of terrorism;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of 8 innocent civilians and wounded 39 others in tourist areas of Srinagar, the capital city of Indian Kashmir;

Whereas the United States and India are both multicultural, multireligious democracies that abhor terrorism in all its forms and will continue to work steadfastly together to overcome terrorist ideology and establish peace and security;

Whereas the people of India have long faced, with bravery and resolve, past acts of terrorism, including twin bombings at a train station and a temple in the Hindu holy city of Varanasi that killed 20 people in March 2006, a series of bombings in New Delhi a day before the Hindu festival of Diwali that resulted in the death of more than 60 people in October 2005, 2 simultaneous car bombings in Mumbai that killed 52 people in August 2003, a bombing on a passenger train in Mumbai that killed 10 people in March 2003, an attack on a Hindu temple in the state of Gujarat that left 33 people dead in September 2002, an attack on India's parliament in New Delhi in December 2001 that left 14 people dead and precipitated a 5-month military stand off with neighboring Pakistan, a series of bombings that struck the Mumbai stock exchange, killing 257 people and wounding more than 1,000 others, and countless attacks in Indian Kashmir that have resulted in the deaths of tens of thousands of people over the last 16 years;

Whereas the terrorists responsible for these attacks seek to disrupt the free, democratic, and pluralistic lifestyle enjoyed by the people of India;

Whereas the Government of India has been engaged in joint efforts with the United States Government to combat terrorism and to ensure a safer and more secure world; and

Whereas the governments of countries throughout the world strongly condemned the attacks in Mumbai, including the United States Government and the Governments of Pakistan, the United Kingdom, and France: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest terms the July 11, 2006, terrorist attacks in Mumbai, India;

(2) expresses its condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms;

(4) expresses its support for the enhancement of strategic cooperation between the United States and India, with the goal of combating terrorism and advancing peace and security.

SENATE CONCURRENT RESOLUTION 108—AUTHORIZING THE PRINTING OF A REVISED EDITION OF A POCKET VERSION OF THE UNITED STATES CONSTITUTION AND OTHER PUBLICATIONS

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4581. Mr. OBAMA (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4582. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4583. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4586. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4587. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4588. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4589. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4590. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4591. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5441, supra.

SA 4592. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4593. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms.