

104TH CONGRESS
1ST SESSION

S. 640

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28 (legislative day, MARCH 27), 1995

Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Water Resources Development Act of 1995”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

- Sec. 101. Project authorizations.
- Sec. 102. Project modifications.
- Sec. 103. Project deauthorizations.
- Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

- Sec. 201. Morgan Point, Arkansas.
- Sec. 202. White River Basin Lakes, Arkansas and Missouri.
- Sec. 203. Pine Flat Dam fish and wildlife habitat restoration, California.
- Sec. 204. Central and southern Florida.
- Sec. 205. West Palm Beach, Florida.
- Sec. 206. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
- Sec. 207. Sardis Lake, Mississippi.
- Sec. 208. Libby Dam, Montana.
- Sec. 209. Small flood control project, Malta, Montana.
- Sec. 210. Cliffwood Beach, New Jersey.
- Sec. 211. Fire Island Inlet, New York.
- Sec. 212. Wister Lake project, LeFlore County, Oklahoma.
- Sec. 213. Abandoned and wrecked barge removal, Rhode Island.
- Sec. 214. Providence River and Harbor, Rhode Island.
- Sec. 215. Rudee Inlet, Virginia Beach, Virginia.
- Sec. 216. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Cost-sharing for environmental projects.
- Sec. 302. Collaborative research and development.
- Sec. 303. National inventory of dams.
- Sec. 304. Hydroelectric power project uprating.
- Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.
- Sec. 306. Cost-sharing for removal of existing project features.
- Sec. 307. Termination of technical advisory committee.
- Sec. 308. Conditions for project deauthorizations.
- Sec. 309. Participation in international engineering and scientific conferences.
- Sec. 310. Research and development in support of Army civil works program.
- Sec. 311. Interagency and international support authority.
- Sec. 312. Expansion of section 1135 program.
- Sec. 313. Environmental dredging.
- Sec. 314. Feasibility studies.
- Sec. 315. Obstruction removal requirement.
- Sec. 316. Levee owners manual.
- Sec. 317. Risk-based analysis methodology.
- Sec. 318. Sediments decontamination technology.
- Sec. 319. Melaleuca tree.
- Sec. 320. Faulkner Island, Connecticut.
- Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
- Sec. 322. Jennings Randolph access road, Garrett County, Maryland.
- Sec. 323. New York State canal system.

Sec. 324. Quonset Point-Davisville, Rhode Island.

Sec. 325. Capital improvements for the Washington Aqueduct.

Sec. 326. Chesapeake Bay environmental restoration and protection program.

Sec. 327. Technical corrections.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **TITLE I—WATER RESOURCES**
5 **PROJECTS**

6 **SEC. 101. PROJECT AUTHORIZATIONS.**

7 Except as otherwise provided in this section, the fol-
8 lowing projects for water resources development and con-
9 servation and other purposes are authorized to be carried
10 out by the Secretary substantially in accordance with the
11 plans, and subject to the conditions, recommended in the
12 respective reports designated in this section:

13 (1) MARIN COUNTY SHORELINE, SAN RAFAEL
14 CANAL, CALIFORNIA.—The project for hurricane and
15 storm damage reduction, Marin County Shoreline,
16 San Rafael Canal, California: Report of the Chief of
17 Engineers, dated January 28, 1994, at a total cost
18 of \$27,200,000, with an estimated Federal cost of
19 \$17,700,000 and an estimated non-Federal cost of
20 \$9,500,000.

21 (2) SAN LORENZO RIVER, CALIFORNIA.—The
22 project for flood control, San Lorenzo River, Califor-
23 nia: Report of the Chief of Engineers, dated June

1 30, 1994, at a total cost of \$16,100,000, with an es-
2 timated Federal cost of \$8,100,000 and an esti-
3 mated non-Federal cost of \$8,000,000 and the habi-
4 tat restoration, at a total cost of \$4,050,000, with
5 an estimated Federal cost of \$3,040,000 and an es-
6 timated non-Federal cost of \$1,010,000.

7 (3) SANTA BARBARA HARBOR, SANTA BARBARA
8 COUNTY, CALIFORNIA.—The project for navigation,
9 Santa Barbara Harbor, Santa Barbara, California:
10 Report of the Chief of Engineers, dated April 26,
11 1994, at a total cost of \$5,720,000, with an esti-
12 mated Federal cost of \$4,580,000 and an estimated
13 non-Federal cost of \$1,140,000.

14 (4) PALM VALLEY BRIDGE REPLACEMENT, ST.
15 JOHNS COUNTY, FLORIDA.—The project for naviga-
16 tion, Palm Valley Bridge, County Road 210, over
17 the Atlantic Intracoastal Waterway in St. Johns
18 County, Florida: Report of the Chief of Engineers,
19 dated June 24, 1994, at a total Federal cost of
20 \$15,312,000. As a condition of receipt of Federal
21 funds, St. Johns County shall assume full ownership
22 of the replacement bridge, including all associated
23 operation, maintenance, repair, replacement, and re-
24 habilitation costs.

1 (5) ILLINOIS SHORELINE EROSION, INTERIM III,
2 WILMETTE TO ILLINOIS AND INDIANA STATE
3 LINE.—The project for storm damage reduction and
4 shoreline erosion protection from Wilmette, Illinois,
5 to the Illinois and Indiana State line: Report of the
6 Chief of Engineers, dated April 14, 1994, at a total
7 cost of \$197,000,000, with an estimated Federal
8 cost of \$106,000,000 and an estimated non-Federal
9 cost of \$91,000,000, and the breakwater near the
10 South Water Filtration Plant, a separable element
11 of the project at a total cost of \$9,027,000, with an
12 estimated Federal cost of \$5,868,000 and an esti-
13 mated non-Federal cost of \$3,159,000. The oper-
14 ation, maintenance, repair, replacement, and reha-
15 bilitation of the project after construction shall be
16 the responsibility of the non-Federal interests.

17 (6) KENTUCKY LOCK ADDITION, KENTUCKY.—
18 The project for navigation, Kentucky Lock Addition,
19 Kentucky: Report of the Chief of Engineers, dated
20 June 1, 1992, at a total cost of \$467,000,000. The
21 construction costs of the project shall be paid—

22 (A) 50 percent from amounts appropriated
23 from the general fund of the Treasury; and

24 (B) 50 percent from amounts appropriated
25 from the Inland Waterways Trust Fund estab-

1 lished by section 9506 of the Internal Revenue
2 Code of 1986.

3 (7) WOLF CREEK HYDROPOWER, CUMBERLAND
4 RIVER, KENTUCKY.—The project for hydropower,
5 Wolf Creek Dam and Lake Cumberland, Kentucky:
6 Report of the Chief of Engineers, dated June 28,
7 1994, at a total cost of \$50,230,000. Funds derived
8 by the Tennessee Valley Authority from the power
9 program of the Authority and funds derived from
10 any private or public entity designated by the South-
11 eastern Power Administration may be used for all or
12 part of any cost-sharing requirements for the
13 project.

14 (8) STABILIZATION OF NATCHEZ BLUFFS, MIS-
15 SISSIPPI.—The project for bluff stabilization, Natch-
16 ez Bluffs, Natchez, Mississippi: Natchez Bluffs
17 Study, dated September 1985, Natchez Bluffs
18 Study: Supplement I, dated June 1990, and Natchez
19 Bluffs Study: Supplement II, dated December 1993,
20 in the portions of the bluffs described in the reports
21 designated in this paragraph as Clifton Avenue, area
22 3; Bluff above Silver Street, area 6; Bluff above
23 Natchez Under-the-Hill, area 7; and Madison Street
24 to State Street, area 4, at a total cost of
25 \$17,200,000, with an estimated Federal cost of

1 \$12,900,000 and an estimated non-Federal cost of
2 \$4,300,000.

3 (9) WOOD RIVER AT GRAND ISLAND, NE-
4 BRASKA.—The project for flood control, Wood River
5 at Grand Island, Nebraska: Report of the Chief of
6 Engineers, dated May 3, 1994, at a total cost of
7 \$10,500,000, with an estimated Federal cost of
8 \$5,250,000 and an estimated non-Federal cost of
9 \$5,250,000.

10 (10) WILMINGTON HARBOR, CAPE FEAR-
11 NORTHEAST CAPE FEAR RIVERS, NORTH CARO-
12 LINA.—The project for navigation, Wilmington Har-
13 bor, Cape Fear-Northeast Cape Fear Rivers, North
14 Carolina: Report of the Chief of Engineers, dated
15 June 24, 1994, at a total cost of \$23,290,000, with
16 an estimated Federal cost of \$16,955,000 and an es-
17 timated non-Federal cost of \$6,335,000.

18 (11) DUCK CREEK, OHIO.—The project for
19 flood control, Duck Creek, Cincinnati, Ohio: Report
20 of the Chief of Engineers, dated July 28, 1994, at
21 a total cost of \$15,408,000, with an estimated Fed-
22 eral cost of \$11,556,000 and an estimated non-Fed-
23 eral cost of \$3,852,000.

24 (12) POND CREEK, OHIO.—The project for
25 flood control, Pond Creek, Ohio: Report of the Chief

1 of Engineers, dated June 28, 1994, at a total cost
2 of \$16,865,000, with an estimated Federal cost of
3 \$11,243,000 and an estimated non-Federal cost of
4 \$5,622,000.

5 (13) COOS BAY, OREGON.—The project for
6 navigation, Coos Bay, Oregon: Report of the Chief
7 of Engineers, dated June 30, 1994, at a total cost
8 of \$14,541,000, with an estimated Federal cost of
9 \$10,777,000 and an estimated non-Federal cost of
10 \$3,764,000.

11 (14) BIG SIOUX RIVER AND SKUNK CREEK AT
12 SIOUX FALLS, SOUTH DAKOTA.—The project for
13 flood control, Big Sioux River and Skunk Creek at
14 Sioux Falls, South Dakota: Report of the Chief of
15 Engineers, dated June 30, 1994, at a total cost of
16 \$31,600,000, with an estimated Federal cost of
17 \$23,600,000 and an estimated non-Federal cost of
18 \$8,000,000.

19 (15) ATLANTIC INTRACOASTAL WATERWAY
20 BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESA-
21 PEAKE, VIRGINIA.—The project for navigation at
22 Great Bridge, Virginia Highway 168, over the Atlan-
23 tic Intracoastal Waterway in Chesapeake, Virginia:
24 Report of the Chief of Engineers, dated July 1,
25 1994, at a total cost of \$23,680,000, with an esti-

1 mated Federal cost of \$20,341,000 and an esti-
2 mated non-Federal cost of \$3,339,000. The city of
3 Chesapeake shall assume full ownership of the re-
4 placement bridge, including all associated operation,
5 maintenance, repair, replacement, and rehabilitation
6 costs.

7 (16) MARMET LOCK REPLACEMENT, KANAWHA
8 RIVER, WEST VIRGINIA.—The project for navigation,
9 Marmet Lock Replacement, Marmet Locks and
10 Dam, Kanawha River, West Virginia: Report of the
11 Chief of Engineers, dated June 24, 1994, at a total
12 cost of \$267,900,000. The construction costs of the
13 project shall be paid—

14 (A) 50 percent from amounts appropriated
15 from the general fund of the Treasury; and

16 (B) 50 percent from amounts appropriated
17 from the Inland Waterways Trust Fund estab-
18 lished by section 9506 of the Internal Revenue
19 Code of 1986.

20 **SEC. 102. PROJECT MODIFICATIONS.**

21 (a) OAKLAND HARBOR, CALIFORNIA.—The projects
22 for navigation, Oakland Outer Harbor, California, and
23 Oakland Inner Harbor, California, authorized by section
24 202(a) of the Water Resources Development Act of 1986
25 (Public Law 99–662; 100 Stat. 4092), are modified to

1 combine the 2 projects into 1 project, to be designated
2 as the Oakland Harbor, California, project. The Oakland
3 Harbor, California, project shall be carried out by the Sec-
4 retary substantially in accordance with the plans and sub-
5 ject to the conditions recommended in the reports des-
6 igned for the projects in the section, except that the non-
7 Federal share of project cost and any available credits to-
8 ward the non-Federal share shall be calculated on the
9 basis of the total cost of the combined project. The total
10 cost of the combined project is \$102,600,000, with an esti-
11 mated Federal cost of \$64,120,000 and an estimated non-
12 Federal cost of \$38,480,000.

13 (b) NORTH BRANCH OF CHICAGO RIVER, ILLI-
14 NOIS.—The project for flood control for the North Branch
15 of the Chicago River, Illinois, authorized by section 401(a)
16 of the Water Resources Development Act of 1986 (Public
17 Law 99–662; 100 Stat. 4115), is modified to authorize
18 the Secretary to carry out the project substantially in ac-
19 cordance with the post authorization change report for the
20 project dated March 1994, at a total cost of \$34,800,000,
21 with an estimated Federal cost of \$20,774,000 and an es-
22 timated non-Federal cost of \$14,026,000.

23 (c) ARKANSAS CITY, KANSAS.—The project for flood
24 control, Arkansas City, Kansas, authorized by section
25 401(a) of the Water Resources Development Act of 1986

1 (Public Law 99–662; 100 Stat. 4116), is modified to au-
2 thorize the Secretary to construct the project substantially
3 in accordance with the post authorization change report
4 for the project dated June 1994, at a total cost of
5 \$35,700,000, with an estimated Federal cost of
6 \$26,600,000 and an estimated non-Federal cost of
7 \$9,100,000.

8 (d) HALSTEAD, KANSAS.—The project for flood con-
9 trol, Halstead, Kansas, authorized by section 401(a) of the
10 Water Resources Development Act of 1986 (Public Law
11 99–662; 100 Stat. 4116), is modified to authorize the Sec-
12 retary to construct the project substantially in accordance
13 with the post authorization change report for the project
14 dated March 1993, at a total cost of \$11,100,000, with
15 an estimated Federal cost of \$8,325,000 and an estimated
16 non-Federal cost of \$2,775,000.

17 (e) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The
18 project for navigation, Mississippi River Outlets, Venice,
19 Louisiana, authorized by section 101 of the River and
20 Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731),
21 is modified to provide for the extension of the 16-foot deep
22 (mean low gulf) by 250-foot wide Baptiste Collette Bayou
23 entrance channel to approximately mile 8 of the Mis-
24 sissippi River Gulf Outlet navigation channel at a total

1 estimated Federal cost of \$80,000, including \$4,000 for
2 surveys and \$76,000 for Coast Guard aids to navigation.

3 (f) CAPE GIRARDEAU, MISSOURI.—The project for
4 flood control, Cape Girardeau, Jackson Metropolitan Area,
5 Missouri, authorized by section 401(a) of the Water Re-
6 sources Development Act of 1986 (Public Law 99–662;
7 100 Stat. 4118–4119), is modified to authorize the Sec-
8 retary to carry out the project, including the implementa-
9 tion of nonstructural measures, at a total cost of
10 \$44,700,000, with an estimated Federal cost of
11 \$32,600,000 and an estimated non-Federal cost of
12 \$12,100,000.

13 (g) WILMINGTON HARBOR-NORTHEAST CAPE FEAR
14 RIVER, NORTH CAROLINA.—The project for navigation,
15 Wilmington Harbor-Northeast Cape Fear River, North
16 Carolina, authorized by section 202(a) of the Water Re-
17 sources Development Act of 1986 (Public Law 99–662;
18 100 Stat. 4095) is modified to authorize the Secretary to
19 construct the project substantially in accordance with the
20 general design memorandum for the project dated April
21 1990 and the general design memorandum supplement for
22 the project dated February 1994, at a total cost of
23 \$50,921,000, with an estimated Federal cost of
24 \$25,128,000 and an estimated non-Federal cost of
25 \$25,793,000.

1 (h) SAW MILL RUN, PENNSYLVANIA.—The project
2 for flood control, Saw Mill Run, Pittsburgh, Pennsylvania,
3 authorized by section 401(a) of the Water Resources De-
4 velopment Act of 1986 (Public Law 99–662; 100 Stat.
5 4124), is modified to authorize the Secretary to carry out
6 the project substantially in accordance with the post au-
7 thorization change and general reevaluation report for the
8 project, dated April 1994, at a total cost of \$12,496,000,
9 with an estimated Federal cost of \$9,372,000 and an esti-
10 mated non-Federal cost of \$3,124,000.

11 (i) INDIA POINT BRIDGE, SEEKONK RIVER, PROVI-
12 DENCE, RHODE ISLAND.—The project for the removal and
13 demolition of the India Point Railroad Bridge, Seekonk
14 River, Rhode Island, authorized by section 1166(c) of the
15 Water Resources Development Act of 1986 (Public Law
16 99–662; 100 Stat. 4258), is modified to authorize the Sec-
17 retary to demolish and remove the center span of the
18 bridge, at a total cost of \$1,300,000, with an estimated
19 Federal cost of \$650,000, and an estimated non-Federal
20 cost of \$650,000.

21 (j) UPPER JORDAN RIVER, UTAH.—The project for
22 flood control, Upper Jordan River, Utah, authorized by
23 section 101(a)(23) of the Water Resources Development
24 Act of 1990 (Public Law 101–640; 104 Stat. 4610), is
25 modified to authorize the Secretary to carry out the

1 project substantially in accordance with the general design
2 memorandum for the project dated March 1994, and the
3 post authorization change report for the project dated
4 April 1994, at a total cost of \$12,370,000, with an esti-
5 mated Federal cost of \$8,220,000 and an estimated non-
6 Federal cost of \$4,150,000.

7 **SEC. 103. PROJECT DEAUTHORIZATIONS.**

8 (a) BRIDGEPORT HARBOR, CONNECTICUT.—

9 (1) ANCHORAGE AREA.—The portion of the
10 project for navigation, Bridgeport Harbor, Connecti-
11 cut, authorized by section 101 of the River and Har-
12 bor Act of 1958 (Public Law 85–500; 72 Stat. 297),
13 consisting of a 2-acre anchorage area with a depth
14 of 6 feet at the head of Johnsons River between the
15 Federal channel and Hollisters Dam, is deauthor-
16 ized.

17 (2) JOHNSONS RIVER CHANNEL.—The portion
18 of the project for navigation, Johnsons River Chan-
19 nel, Bridgeport Harbor, Connecticut, authorized by
20 the first section of the Act entitled “An Act author-
21 izing the construction, repair, and preservation of
22 certain public works on rivers and harbors, and for
23 other purposes”, approved July 24, 1946 (60 Stat.
24 634, chapter 595), that is northerly of a line across
25 the Federal channel the coordinates of which are

1 north 123318.35, east 486301.68, and north
2 123257.15, east 486380.77, is deauthorized.

3 (b) SOUTHPORT HARBOR, CONNECTICUT.—

4 (1) IN GENERAL.—The following portions of the
5 project for navigation, Southport Harbor, Connecti-
6 cut, authorized by the first section of the Act enti-
7 tled “An Act authorizing the construction, repair,
8 and preservation of certain public works on rivers
9 and harbors, and for other purposes”, approved Au-
10 gust 30, 1935 (chapter 831, 49 Stat. 1029), are de-
11 authorized:

12 (A) The 6-foot deep anchorage located at
13 the head of the project.

14 (B) The portion of the 9-foot deep channel
15 beginning at a bend in the channel the coordi-
16 nates of which are north 109131.16, east
17 452653.32, running thence in a northeasterly
18 direction about 943.01 feet to a point the co-
19 ordinates of which are north 109635.22, east
20 453450.31, running thence in a southeasterly
21 direction about 22.66 feet to a point the coordi-
22 nates of which are north 109617.15, east
23 453463.98, running thence in a southwesterly
24 direction about 945.18 feet to the point of be-
25 ginning.

1 (2) REMAINDER.—The portion of the project
2 referred to in paragraph (1) that is remaining after
3 the deauthorization made by the paragraph and that
4 is northerly of a line the coordinates of which are
5 north 108699.15, east 452768.36, and north
6 108655.66, east 452858.73, is redesignated as an
7 anchorage.

8 (c) EAST BOOTHBAY HARBOR, MAINE.—The follow-
9 ing portion of the navigation project for East Boothbay
10 Harbor, Maine, authorized by the first section of the Act
11 of June 25, 1910 (36 Stat. 631, chapter 382) (commonly
12 referred to as the “River and Harbor Act of 1910”), con-
13 taining approximately 1.15 acres and described in accord-
14 ance with the Maine State Coordinate System, East Zone,
15 is deauthorized:

16 Beginning at a point noted as point number 6
17 and shown as having plan coordinates of North 9,
18 722, East 9, 909 on the plan entitled, “East
19 Boothbay Harbor, Maine, examination, 8-foot area”,
20 and dated August 9, 1955, Drawing Number F1251
21 D–6–2, said point having Maine State Coordinate
22 System, East Zone coordinates of Northing 74514,
23 Easting 698381; and

24 Thence, North 58 degrees, 12 minutes, 30 sec-
25 onds East a distance of 120.9 feet to a point; and

1 Thence, South 72 degrees, 21 minutes, 50 sec-
2 onds East a distance of 106.2 feet to a point; and

3 Thence, South 32 degrees, 04 minutes, 55 sec-
4 onds East a distance of 218.9 feet to a point; and

5 Thence, South 61 degrees, 29 minutes, 40 sec-
6 onds West a distance of 148.9 feet to a point; and

7 Thence, North 35 degrees, 14 minutes, 12 sec-
8 onds West a distance of 87.5 feet to a point; and

9 Thence, North 78 degrees, 30 minutes, 58 sec-
10 onds West a distance of 68.4 feet to a point; and

11 Thence, North 27 degrees, 11 minutes, 39 sec-
12 onds West a distance of 157.3 feet to the point of
13 beginning.

14 (d) FALL RIVER HARBOR, MASSACHUSETTS AND
15 RHODE ISLAND.—The project for navigation, Fall River
16 Harbor, Massachusetts and Rhode Island, authorized by
17 section 101 of the River and Harbor Act of 1968 (Public
18 Law 90–483; 82 Stat. 731), is modified to provide that
19 alteration of the drawspan of the Brightman Street Bridge
20 to provide a channel width of 300 feet shall not be re-
21 quired after the date of enactment of this Act.

22 (e) OSWEGATCHIE RIVER, OGDENSBURG, NEW
23 YORK.—The portion of the Federal channel in the
24 Oswegatchie River in Ogdensburg, New York, from the
25 southernmost alignment of the Route 68 bridge, upstream

1 to the northernmost alignment of the Lake Street bridge,
2 is deauthorized.

3 (f) KICKAPOO RIVER, WISCONSIN.—

4 (1) PROJECT MODIFICATION.—The project for
5 flood control and allied purposes, Kickapoo River,
6 Wisconsin, authorized by section 203 of the Flood
7 Control Act of 1962 (Public Law 87–874; 76 Stat.
8 1190), as modified by section 814 of the Water Re-
9 sources Development Act of 1986 (Public Law 99–
10 662; 100 Stat. 4169), is further modified as pro-
11 vided by this subsection.

12 (2) TRANSFER OF PROPERTY.—

13 (A) IN GENERAL.—Subject to the require-
14 ments of this paragraph, the Secretary shall
15 transfer to the State of Wisconsin, without con-
16 sideration, all right, title, and interest of the
17 United States in and to the lands described in
18 subparagraph (B), including all works, struc-
19 tures, and other improvements on the lands.

20 (B) LAND DESCRIPTION.—The lands to be
21 transferred pursuant to subparagraph (A) are
22 the approximately 8,569 acres of land associ-
23 ated with the LaFarge Dam and Lake portion
24 of the project referred to in paragraph (1) in

1 Vernon County, Wisconsin, in the following sec-
2 tions:

3 (i) Section 31, Township 14 North,
4 Range 1 West of the 4th Principal Merid-
5 ian.

6 (ii) Sections 2 through 11, and 16,
7 17, 20, and 21, Township 13 North,
8 Range 2 West of the 4th Principal Merid-
9 ian.

10 (iii) Sections 15, 16, 21 through 24,
11 26, 27, 31, and 33 through 36, Township
12 14 North, Range 2 West of the 4th Prin-
13 cipal Meridian.

14 (C) TERMS AND CONDITIONS.—The trans-
15 fer under subparagraph (A) shall be made on
16 the condition that the State of Wisconsin enters
17 into a written agreement with the Secretary to
18 hold the United States harmless from all claims
19 arising from or through the operation of the
20 lands and improvements subject to the transfer.

21 (D) DEADLINES.—Not later than July 1,
22 1995, the Secretary shall transmit to the State
23 of Wisconsin an offer to make the transfer
24 under this paragraph. The offer shall provide
25 for the transfer to be made in the period begin-

ning on November 1, 1995, and ending on December 31, 1995.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in paragraph (1) until the date of the transfer under this paragraph.

SEC. 104. STUDIES.

(a) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

1 (2) report to Congress on the study, including
2 making recommendations concerning the advisability
3 of so modifying the project.

4 (b) LONG BEACH, CALIFORNIA.—The Secretary shall
5 review the feasibility of navigation improvements at Long
6 Beach Harbor, California, including widening and deepen-
7 ing of the navigation channel, as provided for in section
8 201(b) of the Water Resources Development Act of 1986
9 (Public Law 99–662; 100 Stat. 4091). The Secretary shall
10 complete the report not later than 1 year after the date
11 of enactment of this Act.

12 (c) MURRIETA CREEK, RIVERSIDE COUNTY, CALI-
13 FORNIA.—The Secretary shall review the completed fea-
14 sibility study of the Riverside County Flood Control and
15 Water Conservation District, including identified alter-
16 natives, concerning Murrieta Creek from Temecula to
17 Wildomar, Riverside County, California, to determine the
18 Federal interest in participating in a project for flood con-
19 trol.

20 (d) PINE FLAT DAM FISH AND WILDLIFE HABITAT
21 RESTORATION, CALIFORNIA.—The Secretary shall study
22 the feasibility of fish and wildlife habitat improvement
23 measures identified for further study by the Pine Flat
24 Dam Fish and Wildlife Habitat Restoration Investigation
25 Reconnaissance Report.

1 (e) WEST DADE, FLORIDA.—The Secretary shall con-
2 duct a reconnaissance study to determine the Federal in-
3 terest in using the West Dade, Florida, reuse facility to
4 increase the supply of surface water to the Everglades in
5 order to enhance fish and wildlife habitat.

6 (f) OHIO RIVER GREENWAY, INDIANA.—The Sec-
7 retary shall conduct a study to determine the feasibility
8 of the greenway project along the Ohio River in Jefferson-
9 ville, Clarksville, and New Albany, Indiana, as described
10 in the plan entitled “Conceptual Master Plan: Falls of the
11 Ohio River Greenway Corridor”, as prepared by the Army
12 Corps of Engineers in 1994.

13 (g) WHITE RIVER, INDIANA.—The Secretary shall
14 conduct a study to determine the feasibility of riverfront
15 modifications as described in the report entitled “Indian-
16 apolis, Indiana, White River Central Waterfront Recon-
17 naissance Report”, dated October 1993.

18 (h) BAYOU BLANC, CROWLEY, LOUISIANA.—The
19 Secretary shall conduct a reconnaissance study to deter-
20 mine the Federal interest in the construction of a bulk-
21 head system, consisting of either steel sheet piling with
22 tiebacks or concrete, along the embankment of Bayou
23 Blanc, Crowley, Louisiana, in order to alleviate slope fail-
24 ures and erosion problems in a cost-effective manner.

1 (i) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK,
2 LOUISIANA.—The Secretary shall incorporate the area of
3 Hackberry, Louisiana, as part of the overall study of the
4 Lake Charles ship channel, bypass channel, and general
5 anchorage area in Louisiana, to explore the possibility of
6 constructing additional anchorage areas.

7 (j) LOWER PLATTE RIVER, NEBRASKA.—The Sec-
8 retary shall conduct a reconnaissance study of the Lower
9 Platte River to determine the Federal interest in flood
10 control and related water resources development in the
11 study area. The Secretary shall consider nonstructural
12 and structural measures for the management of the flood-
13 plain.

14 (k) CITY OF NORTH LAS VEGAS, CLARK COUNTY,
15 NEVADA.—The Secretary shall conduct a reconnaissance
16 study to determine the Federal interest in channel im-
17 provements in channel A of the North Las Vegas Wash
18 in the city of North Las Vegas, Nevada, for the purpose
19 of flood control.

20 (l) LOWER LAS VEGAS WASH WETLANDS, CLARK
21 COUNTY, NEVADA.—The Secretary shall conduct a study
22 to determine the feasibility of the restoration of wetlands
23 in the Lower Las Vegas Wash, Nevada, for the purposes
24 of erosion control and environmental restoration.

1 (m) NORTHERN NEVADA.—The Secretary shall con-
2 duct reconnaissance studies, in the State of Nevada, of—

3 (1) the Humboldt River, and the tributaries
4 and outlets of the river;

5 (2) the Truckee River, and the tributaries and
6 outlets of the river;

7 (3) the Carson River, and the tributaries and
8 outlets of the river; and

9 (4) the Walker River, and the tributaries and
10 outlets of the river;

11 in order to determine the Federal interest in flood control,
12 environmental restoration, conservation of fish and wild-
13 life, recreation, water conservation, water quality, and
14 toxic and radioactive waste.

15 (n) BUFFALO HARBOR, NEW YORK.—The Secretary
16 shall determine the feasibility of excavating the inner har-
17 bor and constructing the associated bulkheads in Buffalo
18 Harbor, New York.

19 (o) COEYMANS, NEW YORK.—The Secretary shall
20 conduct a reconnaissance study to determine the Federal
21 interest in reopening the secondary channel of the Hudson
22 River in the town of Coeymans, New York, which has been
23 narrowed by silt as a result of the construction of
24 Coeymans middle dike by the Army Corps of Engineers.

1 (p) FLUSHING BAY, NEW YORK.—The Secretary
2 shall determine the feasibility of dredging the area of
3 Flushing Bay, New York, directly surrounding the earthen
4 dike to—

- 5 (1) restore water depths to pre-1963 levels;
- 6 (2) improve the water quality;
- 7 (3) restore tidal patterns of the bay through the
8 removal of mudflats; and
- 9 (4) partially remove a portion of the dike for
10 use as fill for a runway extension at LaGuardia Air-
11 port.

12 (q) SHINNECOCK INLET, NEW YORK.—Not later
13 than 2 years after the date of enactment of this Act, the
14 Secretary shall conduct a reconnaissance study in
15 Shinnecock Inlet, New York, to determine the Federal in-
16 terest in constructing a sand bypass system, or other ap-
17 propriate alternative, for the purposes of allowing sand to
18 flow in the natural east-to-west pattern of the sand and
19 preventing the further erosion of the beaches west of the
20 inlet and the shoaling of the inlet.

21 (r) KILL VAN KULL AND NEWARK BAY CHANNELS,
22 NEW YORK AND NEW JERSEY.—The Secretary shall con-
23 tinue engineering and design in order to complete the
24 navigation project at Kill Van Kull and Newark Bay
25 Channels, New York and New Jersey, authorized to be

1 constructed in the Supplemental Appropriations Act, 1985
2 (Public Law 99–88; 99 Stat. 313), and section 202(a) of
3 the Water Resources Development Act of 1986 (Public
4 Law 99–662; 100 Stat. 4095), described in the general
5 design memorandum for the project, and approved in the
6 Report of the Chief of Engineers dated December 14,
7 1981.

8 (s) COLUMBIA SLOUGH, OREGON.—Not later than 2
9 years after the date of enactment of this Act, the Sec-
10 retary shall complete a feasibility study for the ecosystem
11 restoration project at Columbia Slough, Oregon, as re-
12 ported in the August 1993 Revised Reconnaissance Study.
13 The study shall be a demonstration study done in coordi-
14 nation with the Environmental Protection Agency.

15 (t) DALLAS FLOODWAY EXTENSION, TEXAS.—

16 (1) STUDY.—The Secretary shall conduct a
17 study of the flood control project for Dallas
18 Floodway Extension, Dallas, Texas, authorized by
19 section 301 of the Flood Control Act of 1965 (Pub-
20 lic Law 89–298; 79 Stat. 1091), for the purpose of
21 determining the feasibility of providing additional
22 flood protection to the Central Wastewater Treat-
23 ment Plant and the area known as Rochester Park.

24 (2) REPORT.—The results of the study con-
25 ducted under paragraph (1) shall be included in the

1 report presenting the results of the ongoing reevalua-
 2 tion study of the authorized project.

3 (u) ASHLEY CREEK, UTAH.—The Secretary is au-
 4 thorized to study the feasibility of undertaking a project
 5 for fish and wildlife restoration at Ashley Creek, near Ver-
 6 nal, Utah.

7 **TITLE II—PROJECT-RELATED** 8 **PROVISIONS**

9 **SEC. 201. MORGAN POINT, ARKANSAS.**

10 The Secretary shall accept as in-kind contributions
 11 for the project at Morgan Point, Arkansas—

12 (1) the items described as fish and wildlife fa-
 13 cilities and land in the Morgan Point Broadway Clo-
 14 sure Structure modification report for the project,
 15 dated February 1994; and

16 (2) fish stocking activities carried out by the
 17 non-Federal interests for the project.

18 **SEC. 202. WHITE RIVER BASIN LAKES, ARKANSAS AND MIS-** 19 **SOURI.**

20 The project for flood control and power generation
 21 at White River Basin Lakes, Arkansas and Missouri, au-
 22 thorized by section 4 of the Act entitled “An Act authoriz-
 23 ing the construction of certain public works on rivers and
 24 harbors for flood control, and for other purposes”, ap-
 25 proved June 28, 1938 (commonly referred to as the

1 “Flood Control Act of 1938”) (52 Stat. 1218), shall in-
 2 clude recreation and fish and wildlife mitigation as pur-
 3 poses of the project, to the extent that the purposes do
 4 not adversely impact flood control, power generation, or
 5 other authorized purposes of the project.

6 **SEC. 203. PINE FLAT DAM FISH AND WILDLIFE HABITAT**
 7 **RESTORATION, CALIFORNIA.**

8 The Secretary shall carry out, in accordance with sec-
 9 tion 1135(b) of the Water Resources Development Act of
 10 1986 (33 U.S.C. 2309a(b)), the construction of a turbine
 11 bypass at Pine Flat Dam, Kings River, California.

12 **SEC. 204. CENTRAL AND SOUTHERN FLORIDA.**

13 The project for Central and Southern Florida, au-
 14 thorized by section 203 of the Flood Control Act of 1968
 15 (Public Law 90–483; 82 Stat. 740), is modified, subject
 16 to the availability of appropriations, to authorize the Sec-
 17 retary to implement the recommended plan of improve-
 18 ment contained in a report entitled “Central and Southern
 19 Florida Project, Final Integrated General Reevaluation
 20 Report and Environmental Impact Statement, Canal 111
 21 (C–111), South Dade County, Florida”, dated May 1994
 22 (including acquisition of such portions of the Frog Pond
 23 and Rocky Glades areas as are needed for the project),
 24 at a total cost of \$121,000,000. The Federal share of the
 25 cost of implementing the plan of improvement shall be 50

1 percent. The Secretary of the Interior shall pay 25 percent
2 of the cost of acquiring such portions of the Frog Pond
3 and Rocky Glades areas as are needed for the project,
4 which amount shall be included in the Federal share. The
5 non-Federal share of the operation and maintenance costs
6 of the improvements undertaken pursuant to this section
7 shall be 100 percent, except that the Federal Government
8 shall reimburse the non-Federal interest in an amount
9 equal to 60 percent of the costs of operating and maintain-
10 ing pump stations that pump water into Taylor Slough
11 in Everglades National Park.

12 **SEC. 205. WEST PALM BEACH, FLORIDA.**

13 The project for flood protection of West Palm Beach,
14 Florida (C-51), authorized by section 203 of the Flood
15 Control Act of 1962 (Public Law 87-874; 76 Stat. 1183),
16 is modified to provide for the construction of an enlarged
17 stormwater detention area, Storm Water Treatment Area
18 1 East, generally in accordance with the plan of improve-
19 ments described in the February 15, 1994, report entitled
20 “Everglades Protection Project, Palm Beach County,
21 Florida, Conceptual Design”, prepared by Burns and
22 McDonnell, and as further described in detailed design
23 documents to be approved by the Secretary. The addi-
24 tional work authorized by this section shall be accom-
25 plished at full Federal cost in recognition of the water sup-

1 ply benefits accruing to the Loxahatchee National Wildlife
 2 Refuge and the Everglades National Park and in recogni-
 3 tion of the statement in support of the Everglades restora-
 4 tion effort set forth in the document signed by the Sec-
 5 retary of the Interior and the Secretary of the Army in
 6 July 1993. Operation and maintenance of the stormwater
 7 detention area shall be consistent with regulations pre-
 8 scribed by the Secretary for the Central and Southern
 9 Florida project, with all costs of the operation and mainte-
 10 nance work borne by non-Federal interests.

11 **SEC. 206. PERIODIC MAINTENANCE DREDGING FOR GREEN-**
 12 **VILLE INNER HARBOR CHANNEL, MIS-**
 13 **SISSIPPI.**

14 The Greenville Inner Harbor Channel, Mississippi, is
 15 deemed to be a portion of the navigable waters of the
 16 United States, and shall be included among the navigable
 17 waters for which the Army Corps of Engineers maintains
 18 a 10-foot navigable channel. The navigable channel for the
 19 Greenville Inner Harbor Channel shall be maintained in
 20 a manner that is consistent with the navigable channel to
 21 the Greenville Harbor and the portion of the Mississippi
 22 River adjacent to the Greenville Harbor that is maintained
 23 by the Army Corps of Engineers, as in existence on the
 24 date of enactment of this Act.

1 **SEC. 207. SARDIS LAKE, MISSISSIPPI.**

2 The Secretary shall work cooperatively with the State
3 of Mississippi and the city of Sardis to the maximum ex-
4 tent practicable in the management of existing and pro-
5 posed leases of land consistent with the master tourism
6 and recreational plan for the economic development of the
7 Sardis Lake area prepared by the city.

8 **SEC. 208. LIBBY DAM, MONTANA.**

9 (a) IN GENERAL.—In accordance with section
10 103(c)(1) of the Water Resources Development Act of
11 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

12 (1) complete the construction and installation of
13 generating units 6 through 8 at Libby Dam, Mon-
14 tana; and

15 (2) remove the partially constructed haul bridge
16 over the Kootenai River, Montana.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$16,000,000, to remain available until expended.

20 **SEC. 209. SMALL FLOOD CONTROL PROJECT, MALTA, MON-**
21 **TANA.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Secretary is authorized to expend such
24 Federal funds as are necessary to complete the small flood
25 control project begun at Malta, Montana, pursuant to sec-

1 tion 205 of the Flood Control Act of 1948 (33 U.S.C.
2 701s).

3 **SEC. 210. CLIFFWOOD BEACH, NEW JERSEY.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law or the status of the project authorized by sec-
6 tion 203 of the Flood Control Act of 1962 (Public Law
7 87–874; 76 Stat. 1180) for hurricane-flood protection and
8 beach erosion control on Raritan Bay and Sandy Hook
9 Bay, New Jersey, the Secretary shall undertake a project
10 to provide periodic beach nourishment for Cliffwood
11 Beach, New Jersey, for a 50-year period beginning on the
12 date of execution of a project cooperation agreement by
13 the Secretary and an appropriate non-Federal interest.

14 (b) NON-FEDERAL SHARE.—The non-Federal share
15 of the cost of the project authorized by this section shall
16 be 35 percent.

17 **SEC. 211. FIRE ISLAND INLET, NEW YORK.**

18 For the purpose of replenishing the beach, the Sec-
19 retary shall place sand dredged from the Fire Island Inlet
20 on the shoreline between Gilgo State Park and Tobay
21 Beach to protect Ocean Parkway along the Atlantic Ocean
22 shoreline in Suffolk County, New York.

1 **SEC. 212. WISTER LAKE PROJECT, LEFLORE COUNTY,**
 2 **OKLAHOMA.**

3 The Secretary shall maintain a minimum conserva-
 4 tion pool level of 478 feet at the Wister Lake project in
 5 LeFlore County, Oklahoma, authorized by section 4 of the
 6 Act entitled “An Act authorizing the construction of cer-
 7 tain public works on rivers and harbors for flood control,
 8 and for other purposes”, approved June 28, 1938 (com-
 9 monly referred to as the “Flood Control Act of 1938”)
 10 (52 Stat. 1218). Notwithstanding title I of the Water Re-
 11 sources Development Act of 1986 (33 U.S.C. 2211 et seq.)
 12 or any other provision of law, any increase in water supply
 13 yield that results from the pool level of 478 feet shall be
 14 treated as unallocated water supply until such time as a
 15 user enters into a contract for the supply under such ap-
 16 plicable laws concerning cost-sharing as are in effect on
 17 the date of the contract.

18 **SEC. 213. ABANDONED AND WRECKED BARGE REMOVAL,**
 19 **RHODE ISLAND.**

20 Section 361 of the Water Resources Development Act
 21 of 1992 (Public Law 102–580; 106 Stat. 4861) is amend-
 22 ed by striking subsection (a) and inserting the following:
 23 “(a) IN GENERAL.—In order to alleviate a hazard to
 24 navigation and recreational activity, the Secretary shall re-
 25 move a sunken barge from waters off the shore of the Nar-
 26 ragansett Town Beach in Narragansett, Rhode Island, at

1 a total cost of \$1,700,000, with an estimated Federal cost
2 of \$1,275,000, and an estimated non-Federal cost of
3 \$425,000. The Secretary shall not remove the barge until
4 title to the barge has been transferred to the United
5 States or the non-Federal interest. The transfer of title
6 shall be carried out at no cost to the United States.”.

7 **SEC. 214. PROVIDENCE RIVER AND HARBOR, RHODE IS-**
8 **LAND.**

9 The Secretary shall incorporate a channel extending
10 from the vicinity of the Fox Point hurricane barrier to
11 the vicinity of the Francis Street bridge in Providence,
12 Rhode Island, into the navigation project for Providence
13 River and Harbor, Rhode Island, authorized by section
14 301 of the River and Harbor Act of 1965 (Public Law
15 89–298; 79 Stat. 1089). The channel shall have a depth
16 of up to 10 feet and a width of approximately 120 feet
17 and shall be approximately 1.25 miles in length.

18 **SEC. 215. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.**

19 Notwithstanding the limitation set forth in section
20 107(b) of the River and Harbor Act of 1960 (33 U.S.C.
21 577(b)), Federal participation in the maintenance of the
22 Rudee Inlet, Virginia Beach, Virginia, project shall con-
23 tinue for the life of the project. Nothing in this section
24 shall alter or modify the non-Federal cost sharing respon-

1 sibility as specified in the Rudee Inlet, Virginia Beach,
2 Virginia Detailed Project Report, dated October 1983.

3 **SEC. 216. VIRGINIA BEACH, VIRGINIA.**

4 Section 407 of the Water Resources Development Act
5 of 1990 (Public Law 101–640; 104 Stat. 4647) is amend-
6 ed by adding at the end the following:

7 “(c) FUNDING.—

8 “(1) IN GENERAL.—The Secretary shall budget,
9 for fiscal year 1996, \$3,120,803, or such amount as
10 is determined by a Federal audit carried out by the
11 Army Corps of Engineers, to be paid to the city of
12 Virginia Beach as reimbursement for beach nourish-
13 ment activities undertaken by the city from October
14 1, 1986, to September 30, 1993, pursuant to sub-
15 section (a). The funds required to be budgeted under
16 the preceding sentence may not be used to carry out
17 the beach nourishment project being performed, as
18 of the date of enactment of this paragraph, pursuant
19 to the local cooperative agreement dated August 9,
20 1993.

21 “(2) FAILURE TO PAY.—If the Secretary does
22 not make the payment described in paragraph (1) by
23 February 6, 1997, the Secretary shall pay to the city
24 of Virginia Beach \$3,120,803, or such amount as is

1 determined by the Federal audit referred to in para-
 2 graph (1).”.

3 **TITLE III—GENERAL** 4 **PROVISIONS**

5 **SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.**

6 Section 103(c) of the Water Resources Development
 7 Act of 1986 (33 U.S.C. 2213(c)) is amended—

8 (1) in paragraph (5), by striking “and” at the
 9 end;

10 (2) in paragraph (6), by striking the period at
 11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(7) environmental protection and restoration:
 14 25 percent.”.

15 **SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

16 Section 7 of the Water Resources Development Act
 17 of 1988 (33 U.S.C. 2313) is amended—

18 (1) by striking subsection (e);

19 (2) by redesignating subsection (d) as sub-
 20 section (e); and

21 (3) by inserting after subsection (c) the follow-
 22 ing:

23 “(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

24 “(1) PRE-AGREEMENT.—If the Secretary deter-
 25 mines that information developed as a result of a re-

1 search or development activity conducted by the
2 Army Corps of Engineers is likely to be subject to
3 a cooperative research and development agreement
4 within 2 years after the development of the informa-
5 tion, and that the information would be a trade se-
6 cret or commercial or financial information that
7 would be privileged or confidential if the information
8 had been obtained from a non-Federal party partici-
9 pating in a cooperative research and development
10 agreement under section 12 of the Stevenson-Wydler
11 Technology Innovation Act of 1980 (15 U.S.C.
12 3710a), the Secretary may provide appropriate pro-
13 tections against the dissemination of the informa-
14 tion, including exemption from subchapter II of
15 chapter 5 of title 5, United States Code, until the
16 earlier of—

17 “(A) the date on which the Secretary en-
18 ters into such an agreement with respect to the
19 information; or

20 “(B) the last day of the 2-year period be-
21 ginning on the date of the determination.

22 “(2) POST-AGREEMENT.—Any information sub-
23 ject to paragraph (1) that becomes the subject of a
24 cooperative research and development agreement
25 shall be subject to the protections provided under

1 section 12(c)(7)(B) of the Act (15 U.S.C.
2 3710a(c)(7)(B)) as if the information had been de-
3 veloped under a cooperative research and develop-
4 ment agreement.”.

5 **SEC. 303. NATIONAL INVENTORY OF DAMS.**

6 Section 13 of Public Law 92–367 (33 U.S.C. 467l)
7 is amended by striking the second sentence and inserting
8 the following: “There are authorized to be appropriated
9 to carry out this section \$500,000 for each fiscal year.”.

10 **SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.**

11 (a) IN GENERAL.—In carrying out the maintenance,
12 rehabilitation, and modernization of a hydroelectric power
13 generating facility at a water resources project under the
14 jurisdiction of the Department of the Army, the Secretary
15 is authorized to take such actions as are necessary to in-
16 crease the efficiency of energy production or the capacity
17 of the facility, or both, if, after consulting with the heads
18 of other appropriate Federal and State agencies, the Sec-
19 retary determines that the increase—

20 (1) is economically justified and financially fea-
21 sible;

22 (2) will not result in any significant adverse ef-
23 fect on the other purposes for which the project is
24 authorized;

1 (3) will not result in significant adverse envi-
2 ronmental impacts; and

3 (4) will not involve major structural or oper-
4 ational changes in the project.

5 (b) EFFECT ON OTHER AUTHORITY.—This section
6 shall not affect the authority of the Secretary and the Ad-
7 ministrator of the Bonneville Power Administration under
8 section 2406 of the Energy Policy Act of 1992 (16 U.S.C.
9 839d–1).

10 **SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL**
11 **OPERATION AND MAINTENANCE COSTS.**

12 (a) IN GENERAL.—In the case of a water resources
13 project under the jurisdiction of the Department of the
14 Army for which the non-Federal interests are responsible
15 for performing the operation, maintenance, replacement,
16 and rehabilitation of the project, or a separable element
17 (as defined in section 103(f) of the Water Resources De-
18 velopment Act of 1986 (33 U.S.C. 2213(f)) of the project,
19 and for which the Federal Government is responsible for
20 paying a portion of the operation, maintenance, replace-
21 ment, and rehabilitation costs of the project or separable
22 element, the Secretary may make, in accordance with this
23 section and under terms and conditions acceptable to the
24 Secretary, a payment of the estimated total Federal share

1 of the costs to the non-Federal interests after completion
2 of construction of the project or separable element.

3 (b) AMOUNT OF PAYMENT.—The amount that may
4 be paid by the Secretary under subsection (a) shall be
5 equal to the present value of the Federal payments over
6 the life of the project, as estimated by the Federal Govern-
7 ment, and shall be computed using an interest rate deter-
8 mined by the Secretary of the Treasury taking into consid-
9 eration current market yields on outstanding marketable
10 obligations of the United States with maturities com-
11 parable to the remaining life of the project.

12 (c) AGREEMENT.—The Secretary may make a pay-
13 ment under this section only if the non-Federal interests
14 have entered into a binding agreement with the Secretary
15 to perform the operation, maintenance, replacement, and
16 rehabilitation of the project or separable element. The
17 agreement shall—

18 (1) meet the requirements of section 221 of the
19 Flood Control Act of 1970 (42 U.S.C. 1962d–5b);
20 and

21 (2) specify—

22 (A) the terms and conditions under which
23 a payment may be made under this section; and

24 (B) the rights of, and remedies available
25 to, the Federal Government to recover all or a

1 portion of a payment made under this section
2 if a non-Federal interest suspends or terminates
3 the performance by the non-Federal interest of
4 the operation, maintenance, replacement, and
5 rehabilitation of the project or separable ele-
6 ment, or fails to perform the activities in a
7 manner that is satisfactory to the Secretary.

8 (d) EFFECT OF PAYMENT.—Except as provided in
9 subsection (c), a payment provided to the non-Federal in-
10 terests under this section shall relieve the Federal Govern-
11 ment of any obligation, after the date of the payment, to
12 pay any of the operation, maintenance, replacement, or re-
13 habilitation costs for the project or separable element.

14 **SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING**
15 **PROJECT FEATURES.**

16 After the date of enactment of this Act, any proposal
17 submitted to Congress by the Secretary for modification
18 of an existing authorized water resources development
19 project (in existence on the date of the proposal) by re-
20 moval of one or more of the project features that would
21 significantly and adversely impact the authorized project
22 purposes or outputs shall include the recommendation that
23 the non-Federal interests shall provide 50 percent of the
24 cost of any such modification, including the cost of acquir-

1 ing any additional interests in lands that become nec-
 2 essary for accomplishing the modification.

3 **SEC. 307. TERMINATION OF TECHNICAL ADVISORY COM-**
 4 **MITTEE.**

5 Section 310 of the Water Resources Development Act
 6 of 1990 (33 U.S.C. 2319) is amended—

7 (1) by striking subsection (a); and

8 (2) in subsection (b)—

9 (A) by striking “(b) PUBLIC PARTICIPA-
 10 TION.—”; and

11 (B) by striking “subsection” each place it
 12 appears and inserting “section”.

13 **SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.**

14 (a) **IN GENERAL.**—Section 1001(b)(2) of the Water
 15 Resources Development Act of 1986 (33 U.S.C.
 16 579a(b)(2)) is amended—

17 (1) in the first sentence, by striking “10” and
 18 inserting “5”;

19 (2) in the second sentence, by striking “Before”
 20 and inserting “Upon official”; and

21 (3) in the last sentence, by inserting “the plan-
 22 ning, design, or” before “construction”.

23 (b) **CONFORMING AMENDMENTS.**—Section 52 of the
 24 Water Resources Development Act of 1988 (Public Law
 25 100–676; 102 Stat. 4044) is amended—

1 (1) by striking subsection (a) (33 U.S.C. 579a
2 note);

3 (2) by redesignating subsections (b) through (e)
4 as subsections (a) through (d), respectively; and

5 (3) in subsection (d) (as so redesignated), by
6 striking “or subsection (a) of this section”.

7 **SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEER-**
8 **ING AND SCIENTIFIC CONFERENCES.**

9 Section 211 of the Flood Control Act of 1950 (33
10 U.S.C. 701u) is repealed.

11 **SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF**
12 **ARMY CIVIL WORKS PROGRAM.**

13 (a) IN GENERAL.—In carrying out research and de-
14 velopment in support of the civil works program of the
15 Department of the Army, the Secretary may utilize con-
16 tracts, cooperative research and development agreements,
17 and cooperative agreements with, and grants to, non-Fed-
18 eral entities, including State and local governments, col-
19 leges and universities, consortia, professional and tech-
20 nical societies, public and private scientific and technical
21 foundations, research institutions, educational organiza-
22 tions, and nonprofit organizations.

23 (b) COMMERCIAL APPLICATION.—In the case of a
24 contract for research or development, or both, the Sec-
25 retary may—

- 1 (1) require that the research or development, or
2 both, have potential commercial application; and
3 (2) use the potential for commercial application
4 as an evaluation factor, if appropriate.

5 **SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT**
6 **AUTHORITY.**

7 (a) **IN GENERAL.**—The Secretary may engage in ac-
8 tivities in support of other Federal agencies or inter-
9 national organizations to address problems of national sig-
10 nificance to the United States. The Secretary may engage
11 in activities in support of international organizations only
12 after consulting with the Secretary of State. The Secretary
13 may use the technical and managerial expertise of the
14 Army Corps of Engineers to address domestic and inter-
15 national problems related to water resources, infrastruc-
16 ture development, and environmental protection.

17 (b) **FUNDING.**—There are authorized to be appro-
18 priated \$1,000,000 to carry out this section. The Sec-
19 retary may accept and expend additional funds from other
20 Federal agencies or international organizations to carry
21 this section.

22 **SEC. 312. EXPANSION OF SECTION 1135 PROGRAM.**

23 Section 1135 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2309a) is amended—

1 (1) in subsection (a), by inserting before the pe-
2 riod at the end the following: “and to determine if
3 the operation of the projects has contributed to the
4 degradation of the quality of the environment”;

5 (2) in subsection (b), by striking the last two
6 sentences;

7 (3) by redesignating subsections (c), (d), and
8 (e) as subsections (e), (f), and (g), respectively; and

9 (4) by inserting after subsection (b) the follow-
10 ing new subsections:

11 “(c) MEASURES TO RESTORE ENVIRONMENTAL
12 QUALITY.—If the Secretary determines under subsection
13 (a) that operation of a water resources project has contrib-
14 uted to the degradation of the quality of the environment,
15 the Secretary may carry out, with respect to the project,
16 measures for the restoration of environmental quality, if
17 the measures are feasible and consistent with the author-
18 ized purposes of the project.

19 “(d) FUNDING.—The non-Federal share of the cost
20 of any modification or measure carried out pursuant to
21 subsection (b) or (c) shall be 25 percent. Not more than
22 \$5,000,000 in Federal funds may be expended on any 1
23 such modification or measure.”.

1 **SEC. 313. ENVIRONMENTAL DREDGING.**

2 Section 312 of the Water Resources Development Act
3 of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is
4 amended by striking subsection (f).

5 **SEC. 314. FEASIBILITY STUDIES.**

6 (a) NON-FEDERAL SHARE.—Section 105(a)(1) of the
7 Water Resources Development Act of 1986 (33 U.S.C.
8 2215(a)(1)) is amended—

9 (1) in the first sentence, by striking “during
10 the period of such study”;

11 (2) by inserting after the first sentence the fol-
12 lowing: “During the period of the study, the non-
13 Federal share of the cost of the study shall be not
14 more than 50 percent of the estimate of the cost of
15 the study as contained in the feasibility cost sharing
16 agreement. The cost estimate may be amended only
17 by mutual agreement of the Secretary and the non-
18 Federal interests. The non-Federal share of any
19 costs in excess of the cost estimate shall, except as
20 otherwise mutually agreed by the Secretary and the
21 non-Federal interests, be payable after the project
22 has been authorized for construction and on the date
23 on which the Secretary and non-Federal interests
24 enter into an agreement pursuant to section 101(e)
25 or 103(j).”; and

1 (3) in the last sentence, by striking “such non-
 2 Federal contribution” and inserting “the non-Fed-
 3 eral share required under this paragraph”.

4 (b) APPLICABILITY.—The amendments made by sub-
 5 section (a) shall apply notwithstanding any feasibility cost
 6 sharing agreement entered into by the Secretary and non-
 7 Federal interests, and the Secretary shall amend any fea-
 8 sibility cost sharing agreements in effect on the date of
 9 enactment of this Act so as to conform the agreements
 10 with the amendments. Nothing in this section or any
 11 amendment made by this section shall require the Sec-
 12 retary to reimburse the non-Federal interests for funds
 13 previously contributed for a study.

14 **SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.**

15 (a) PENALTY.—Section 16 of the Act entitled “An
 16 Act making appropriations for the construction, repair,
 17 and preservation of certain public works on rivers and har-
 18 bors, and for other purposes”, approved March 3, 1899
 19 (commonly referred to as the “River and Harbor Act of
 20 1899”) (33 U.S.C. 411), is amended—

21 (1) by striking “sections thirteen, fourteen, and
 22 fifteen” and inserting “section 13, 14, 15, 19, or
 23 20”; and

24 (2) by striking “not exceeding twenty-five hun-
 25 dred dollars nor less than five hundred dollars” and

1 inserting “of not more than \$25,000 for each day
2 that the violation continues”.

3 (b) GENERAL AUTHORITY.—Section 20 of the Act
4 (33 U.S.C. 415) is amended—

5 (1) in subsection (a)—

6 (A) by striking “Under emergency” and
7 inserting “SUMMARY REMOVAL PROCE-
8 DURES.—Under emergency”; and

9 (B) by striking “expense” the first place it
10 appears and inserting “actual expense, includ-
11 ing administrative expenses,”;

12 (2) in subsection (b)—

13 (A) by striking “cost” and inserting “ac-
14 tual cost, including administrative costs,”; and

15 (B) by striking “(b) The” and inserting
16 “(c) LIABILITY OF OWNER, LESSEE, OR OPER-
17 ATOR.—The”; and

18 (3) by inserting after subsection (a) the follow-
19 ing:

20 “(b) REMOVAL REQUIREMENT.—Not later than 24
21 hours after the Secretary of the Department in which the
22 Coast Guard is operating issues an order to stop or delay
23 navigation in any navigable waters of the United States
24 because of conditions related to the sinking or grounding
25 of a vessel, the owner or operator of the vessel, with the

1 approval of the Secretary of the Army, shall begin removal
2 of the vessel using the most expeditious removal method
3 available or, if appropriate, secure the vessel pending re-
4 moval to allow navigation to resume. If the owner or oper-
5 ator fails to begin removal or to secure the vessel pending
6 removal in accordance with the preceding sentence or fails
7 to complete removal as soon as possible, the Secretary of
8 the Army shall remove or destroy the vessel using the sum-
9 mary removal procedures under subsection (a).”.

10 **SEC. 316. LEVEE OWNERS MANUAL.**

11 Section 5 of the Act entitled “An Act authorizing the
12 construction of certain public works on rivers and harbors
13 for flood control, and for other purposes”, approved Au-
14 gust 18, 1941 (33 U.S.C. 701n), is amended by adding
15 at the end the following:

16 “(c) LEVEE OWNERS MANUAL.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this subsection, in accord-
19 ance with chapter 5 of title 5, United States Code,
20 the Secretary shall prepare a manual describing the
21 maintenance and upkeep responsibilities that the
22 Army Corps of Engineers requires of a non-Federal
23 interest in order for the non-Federal interest to re-
24 ceive Federal assistance under this section. The Sec-
25 retary shall provide a copy of the manual at no cost

1 to each non-Federal interest that is eligible to re-
 2 ceive Federal assistance under this section.

3 “(2) PROHIBITION ON DELEGATION.—The
 4 preparation of the manual shall be carried out under
 5 the personal direction of the Secretary.

6 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated \$1,000,000
 8 to carry out this subsection.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) MAINTENANCE AND UPKEEP.—The
 11 term ‘maintenance and upkeep’ means all main-
 12 tenance and general upkeep of a levee per-
 13 formed on a regular and consistent basis that
 14 is not repair and rehabilitation.

15 “(B) REPAIR AND REHABILITATION.—The
 16 term ‘repair and rehabilitation’—

17 “(i) except as provided in clause (ii),
 18 means the repair or rebuilding of a levee or
 19 other flood control structure, after the
 20 structure has been damaged by a flood, to
 21 the level of protection provided by the
 22 structure before the flood; and

23 “(ii) does not include—

24 “(I) any improvement to the
 25 structure; or

1 “(II) repair or rebuilding de-
2 scribed in clause (i) if, in the normal
3 course of usage, the structure becomes
4 structurally unsound and is no longer
5 fit to provide the level of protection
6 for which the structure was designed.

7 “(C) SECRETARY.—The term ‘Secretary’
8 means the Secretary of the Army.”.

9 **SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary shall obtain
12 the services of an independent consultant to evaluate—

13 (1) the relationship between—

14 (A) the Risk-Based Analysis for Evalua-
15 tion of Hydrology/Hydraulics and Economics in
16 Flood Damage Reduction Studies established in
17 an Army Corps of Engineers engineering cir-
18 cular; and

19 (B) minimum engineering and safety
20 standards;

21 (2) the validity of results generated by the stud-
22 ies described in paragraph (1); and

23 (3) policy impacts related to change in the stud-
24 ies described in paragraph (1).

25 (b) TASK FORCE.—

1 (1) IN GENERAL.—In carrying out the inde-
2 pendent evaluation under subsection (a), the Sec-
3 retary, not later than 90 days after the date of en-
4 actment of this Act, shall establish a task force to
5 oversee and review the analysis.

6 (2) MEMBERSHIP.—The task force shall consist
7 of—

8 (A) the Assistant Secretary of the Army
9 having responsibility for civil works, who shall
10 serve as chairperson of the task force;

11 (B) the Administrator of the Federal
12 Emergency Management Agency;

13 (C) the Chief of the Natural Resources
14 Conservation Service of the Department of Ag-
15 riculture;

16 (D) a State representative appointed by
17 the Secretary from among individuals rec-
18 ommended by the Association of State Flood-
19 plain Managers;

20 (E) a local government public works offi-
21 cial appointed by the Secretary from among in-
22 dividuals recommended by a national organiza-
23 tion representing public works officials; and

24 (F) an individual from the private sector,
25 who shall be appointed by the Secretary.

1 (3) COMPENSATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), a member of the task force
4 shall serve without compensation.

5 (B) EXPENSES.—Each member of the task
6 force shall be allowed—

7 (i) travel expenses, including per diem
8 in lieu of subsistence, at rates authorized
9 for employees of agencies under subchapter
10 I of chapter 57 of title 5, United States
11 Code, while away from the home or regular
12 place of business of the member in the per-
13 formance of services for the task force; and

14 (ii) other expenses incurred in the
15 performance of services for the task force,
16 as determined by the Secretary.

17 (4) TERMINATION.—The task force shall termi-
18 nate 2 years after the date of enactment of this Act.

19 (c) LIMITATION ON USE OF METHODOLOGY.—Dur-
20 ing the period beginning on the date of enactment of this
21 Act and ending 2 years after that date, if requested by
22 a non-Federal interest, the Secretary shall refrain from
23 using any risk-based technique required under the studies
24 described in subsection (a) for the evaluation and design
25 of a project carried out in cooperation with the non-Fed-

1 eral interest unless the Secretary, in consultation with the
 2 task force, has provided direction for use of the technique
 3 after consideration of the independent evaluation required
 4 under subsection (a).

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated \$500,000 to carry out
 7 this section.

8 **SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.**

9 Section 405 of the Water Resources Development Act
 10 of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is
 11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2), by adding at the end
 14 the following: “The goal of the program shall be
 15 to make possible the development, on a pilot
 16 scale, of 1 or more sediment decontamination
 17 technologies, each of which demonstrates a sedi-
 18 ment decontamination capacity of at least 400
 19 cubic yards per day.”; and

20 (B) by adding at the end the following:

21 “(3) REPORT TO CONGRESS.—Not later than
 22 September 30, 1996, and September 30 of each year
 23 thereafter, the Administrator and the Secretary shall
 24 report to Congress on progress made toward the
 25 goal described in paragraph (2).”; and

1 (2) in subsection (c)—

2 (A) by striking “\$5,000,000” and inserting
3 “\$10,000,000”; and

4 (B) by striking “1992” and inserting
5 “1995”.

6 **SEC. 319. MELALEUCA TREE.**

7 Section 104(a) of the River and Harbor Act of 1958
8 (33 U.S.C. 610(a)) is amended by inserting “melaleuca
9 tree,” after “milfoil,”.

10 **SEC. 320. FAULKNER ISLAND, CONNECTICUT.**

11 In consultation with the Director of the United States
12 Fish and Wildlife Service, the Secretary shall design and
13 construct shoreline protection measures for the coastline
14 adjacent to the Faulkner Island Lighthouse, Connecticut,
15 at a total cost of \$3,300,000.

16 **SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED**
17 **RIVER WATERWAY, LOUISIANA.**

18 (a) DESIGNATION.—Lock and Dam numbered 4 of
19 the Red River Waterway, Louisiana, is designated as the
20 “Russell B. Long Lock and Dam”.

21 (b) LEGAL REFERENCES.—A reference in any law,
22 regulation, document, map, record, or other paper of the
23 United States to the lock and dam referred to in sub-
24 section (a) shall be deemed to be a reference to the “Rus-
25 sell B. Long Lock and Dam”.

1 **SEC. 322. JENNINGS RANDOLPH ACCESS ROAD, GARRETT**
2 **COUNTY, MARYLAND.**

3 The Secretary shall transfer up to \$600,000 from the
4 funds appropriated for the Jennings Randolph Lake,
5 Maryland and West Virginia, project to the State of Mary-
6 land for use by the State in constructing an access road
7 to the William Jennings Randolph Lake in Garrett Coun-
8 ty, Maryland.

9 **SEC. 323. NEW YORK STATE CANAL SYSTEM.**

10 (a) IN GENERAL.—In order to make capital improve-
11 ments to the New York State canal system, the Secretary,
12 with the consent of appropriate local and State entities,
13 shall enter into such arrangements, contracts, and leases
14 with public and private entities as may be necessary for
15 the purposes of rehabilitation, renovation, preservation,
16 and maintenance of the New York State canal system and
17 related facilities, including trailside facilities and other
18 recreational projects along the waterways referred to in
19 subsection (c).

20 (b) FEDERAL SHARE.—The Federal share of the cost
21 of capital improvements under this section shall be 50 per-
22 cent. The total cost is \$14,000,000, with an estimated
23 Federal cost of \$7,000,000 and an estimated non-Federal
24 cost of \$7,000,000.

25 (c) DEFINITION OF NEW YORK STATE CANAL SYS-
26 TEM.—In this section, the term “New York State canal

1 system” means the Erie, Oswego, Champlain, and Ca-
 2 yuga-Seneca Canals in New York.

3 **SEC. 324. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

4 The Secretary shall replace the bulkhead between
 5 piers 1 and 2 at the Quonset Point-Davisville Industrial
 6 Park, Rhode Island, at a total cost of \$1,350,000. The
 7 estimated Federal share of the project cost is \$1,012,500,
 8 and the estimated non-Federal share of the project cost
 9 is \$337,500. In conjunction with this project, the Sec-
 10 retary shall install high mast lighting at pier 2 at a total
 11 cost of \$300,000, with an estimated Federal cost of
 12 \$225,000 and an estimated non-Federal cost of \$75,000.

13 **SEC. 325. CAPITAL IMPROVEMENTS FOR THE WASHINGTON**
 14 **AQUEDUCT.**

15 (a) AUTHORIZATIONS.—

16 (1) AUTHORIZATION OF MODERNIZATION.—

17 Subject to approval in, and in such amounts as may
 18 be provided in appropriations Acts, the Chief of En-
 19 gineers of the Army Corps of Engineers is author-
 20 ized to modernize the Washington Aqueduct.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated to the Army
 23 Corps of Engineers borrowing authority in amounts
 24 sufficient to cover the full costs of modernizing the
 25 Washington Aqueduct. The borrowing authority

1 shall be provided by the Secretary of the Treasury,
2 under such terms and conditions as are established
3 by the Secretary of the Treasury, after a series of
4 contracts with each public water supply customer
5 has been entered into under subsection (b).

6 (b) CONTRACTS WITH PUBLIC WATER SUPPLY CUS-
7 TOMERS.—

8 (1) CONTRACTS TO REPAY CORPS DEBT.—To
9 the extent provided in appropriations Acts, and in
10 accordance with paragraphs (2) and (3), the Chief
11 of Engineers of the Army Corps of Engineers is au-
12 thorized to enter into a series of contracts with each
13 public water supply customer under which the cus-
14 tomer commits to repay a pro-rata share of the prin-
15 cipal and interest owed by the Army Corps of Engi-
16 neers to the Secretary of the Treasury under sub-
17 section (a). Under each of the contracts, the cus-
18 tomer that enters into the contract shall commit to
19 pay any additional amount necessary to fully offset
20 the risk of default on the contract.

21 (2) OFFSETTING OF RISK OF DEFAULT.—Each
22 contract under paragraph (1) shall include such ad-
23 ditional terms and conditions as the Secretary of the
24 Treasury may require so that the value to the Gov-
25 ernment of the contracts is estimated to be equal to

1 the obligational authority used by the Army Corps
2 of Engineers for modernizing the Washington Aque-
3 duct at the time that each series of contracts is en-
4 tered into.

5 (3) OTHER CONDITIONS.—Each contract en-
6 tered into under paragraph (1) shall—

7 (A) provide that the public water supply
8 customer pledges future income from fees as-
9 sessed to operate and maintain the Washington
10 Aqueduct;

11 (B) provide the United States priority over
12 all other creditors; and

13 (C) include other conditions that the Sec-
14 retary of the Treasury determines to be appro-
15 priate.

16 (c) BORROWING AUTHORITY.—Subject to an appro-
17 priation under subsection (a)(2) and after entering into
18 a series of contracts under subsection (b), the Secretary,
19 acting through the Chief of Engineers of the Army Corps
20 of Engineers, shall seek borrowing authority from the Sec-
21 retary of the Treasury under subsection (a)(2).

22 (d) DEFINITIONS.—In this section:

23 (1) PUBLIC WATER SUPPLY CUSTOMER.—The
24 term “public water supply customer” means the Dis-

1 trict of Columbia, the county of Arlington, Virginia,
 2 and the city of Falls Church, Virginia.

3 (2) VALUE TO THE GOVERNMENT.—The term
 4 “value to the Government” means the net present
 5 value of a contract under subsection (b) calculated
 6 under the rules set forth in subparagraphs (A) and
 7 (B) of section 502(5) of the Congressional Budget
 8 Act of 1974 (2 U.S.C. 661a(5)), excluding section
 9 502(5)(B)(i) of the Act, as though the contracts pro-
 10 vided for the repayment of direct loans to the public
 11 water supply customers.

12 (3) WASHINGTON AQUEDUCT.—The term
 13 “Washington Aqueduct” means the water supply
 14 system of treatment plans, raw water intakes, con-
 15 duits, reservoirs, transmission mains, and pumping
 16 stations owned by the Federal Government located
 17 in the metropolitan Washington, District of Colum-
 18 bia, area.

19 **SEC. 326. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 20 **TION AND PROTECTION PROGRAM.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary shall establish
 23 a pilot program to provide environmental assistance
 24 to non-Federal interests in the Chesapeake Bay wa-
 25 tershed.

1 (2) FORM.—The assistance shall be in the form
2 of design and construction assistance for water-relat-
3 ed environmental infrastructure and resource protec-
4 tion and development projects affecting the Chesa-
5 peake Bay estuary, including projects for sediment
6 and erosion control, protection of eroding shorelines,
7 protection of essential public works, wastewater
8 treatment and related facilities, water supply and re-
9 lated facilities, and beneficial uses of dredged mate-
10 rial, and other related projects that may enhance the
11 living resources of the estuary.

12 (b) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
13 retary may provide assistance for a project under this sec-
14 tion only if the project is publicly owned, and will be pub-
15 licly operated and maintained.

16 (c) LOCAL COOPERATION AGREEMENT.—

17 (1) IN GENERAL.—Before providing assistance
18 under this section, the Secretary shall enter into a
19 local cooperation agreement with a non-Federal in-
20 terest to provide for design and construction of the
21 project to be carried out with the assistance.

22 (2) REQUIREMENTS.—Each local cooperation
23 agreement entered into under this subsection shall
24 provide for—

1 (A) the development by the Secretary, in
2 consultation with appropriate Federal, State,
3 and local officials, of a facilities or resource
4 protection and development plan, including ap-
5 propriate engineering plans and specifications
6 and an estimate of expected resource benefits;
7 and

8 (B) the establishment of such legal and in-
9 stitutional structures as are necessary to ensure
10 the effective long-term operation and mainte-
11 nance of the project by the non-Federal inter-
12 est.

13 (d) COST SHARING.—

14 (1) FEDERAL SHARE.—Except as provided in
15 paragraph (2)(B), the Federal share of the total
16 project costs of each local cooperation agreement en-
17 tered into under this section shall be 75 percent.

18 (2) NON-FEDERAL SHARE.—

19 (A) VALUE OF LANDS, EASEMENTS,
20 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
21 mining the non-Federal contribution toward
22 carrying out a local cooperation agreement en-
23 tered into under this section, the Secretary
24 shall provide credit to a non-Federal interest
25 for the value of lands, easements, rights-of-way,

1 and relocations provided by the non-Federal in-
2 terest, except that the amount of credit pro-
3 vided for a project under this paragraph may
4 not exceed 25 percent of the total project costs.

5 (B) OPERATION AND MAINTENANCE
6 COSTS.—The non-Federal share of the costs of
7 operation and maintenance of carrying out the
8 agreement under this section shall be 100 per-
9 cent.

10 (e) APPLICABILITY OF OTHER FEDERAL AND STATE
11 LAWS AND AGREEMENTS.—

12 (1) IN GENERAL.—Nothing in this section
13 waives, limits, or otherwise affects the applicability
14 of any provision of Federal or State law that would
15 otherwise apply to a project carried out with assist-
16 ance provided under this section.

17 (2) COOPERATION.—In carrying out this sec-
18 tion, the Secretary shall cooperate fully with the
19 heads of appropriate Federal agencies, including—

20 (A) the Administrator of the Environ-
21 mental Protection Agency;

22 (B) the Secretary of Commerce, acting
23 through the Administrator of the National Oce-
24 anic and Atmospheric Administration;

1 (C) the Secretary of the Interior, acting
2 through the Director of the United States Fish
3 and Wildlife Service; and

4 (D) the heads of such other Federal agen-
5 cies and agencies of a State or political subdivi-
6 sion of a State as the Secretary determines to
7 be appropriate.

8 (f) DEMONSTRATION PROJECT.—The Secretary shall
9 establish at least 1 project under this section in each of
10 the States of Maryland, Virginia, and Pennsylvania. A
11 project established under this section shall be carried out
12 using such measures as are necessary to protect environ-
13 mental, historic, and cultural resources.

14 (g) REPORT.—Not later than December 31, 1998,
15 the Secretary shall transmit to Congress a report on the
16 results of the program carried out under this section, to-
17 gether with a recommendation concerning whether or not
18 the program should be implemented on a national basis.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$30,000,000 for fiscal year 1996, to remain available until
22 expended.

23 **SEC. 327. TECHNICAL CORRECTIONS.**

24 (a) CONTRIBUTIONS FOR ENVIRONMENTAL AND
25 RECREATION PROJECTS.—Section 203(b) of the Water

1 Resources Development Act of 1992 (33 U.S.C. 2325(b))
 2 is amended by striking “(8662)” and inserting “(8862)”.

3 (b) CHALLENGE COST-SHARING PROGRAM.—The
 4 second sentence of section 225(c) of the Act (33 U.S.C.
 5 2328(c)) is amended by striking “(8662)” and inserting
 6 “(8862)”.



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