

The Senate met at 4:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Daniel Coughlin, Chaplain, U.S. House of Representatives, Washington, DC.

We are pleased to have you with us.

#### PRAYER

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

Blessed are You, Lord God of Heaven and Earth. Besides endowing this country with rich and beautiful natural resources, You have blessed us with a strong and creative Government which in every age brings about improvement. Under Your guidance, You have allowed us to develop the resources of our land and its people. You have called forth the power within us to build up its institutions and promote all its best interests. Guide the Members of this noble assembly that they may perform their public and sacred duty so that this present generation may see their accomplished deeds worthy to be remembered. By Your blessing, may this country itself become a vast and splendid monument of wisdom, of peace, and of liberty upon which the world may gaze with admiration, both now and forever. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable TRENT LOTT, a Senator from the State of Mississippi, led the Pledge of Allegiance, as follows:

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

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

#### THANKING REVEREND DANIEL COUGHLIN

Mr. LOTT. Mr. President, we wish to thank the very distinguished House Chaplain, Rev. Daniel Coughlin, for being with us today. We appreciate the work he does in the House of Representatives also.

#### SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will be in a short session today for scheduling announcements and to accommodate some morning business requests. The Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes are

more likely to occur on Wednesday, and all Senators will be notified as to the exact time votes can be expected to occur. It is the leadership's intention to complete all business by the end of this week. I hope that that can be achieved, and I thank my colleagues for their attention.

Let me emphasize again, at this time, as I had indicated to Senator REID last week, we will notify the Members as to whether or not there will be votes on Tuesday or what time they will occur. As it now stands, while there will be, I believe, reports filed on Tuesday to accompany appropriations bills and perhaps even a tax bill, we do not anticipate any votes to occur on Tuesday, but we do expect perhaps even several votes to occur on Wednesday.

Mr. President, I yield the floor.

Mr. President, let me reclaim the floor. I do have some additional business here that we can go ahead and do at this time.

#### WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2796.

There being no objection, the Chair laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2796) entitled "An Act 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", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) *TABLE OF CONTENTS*.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.

Sec. 102. Small projects for flood damage reduction.

Sec. 103. Small project for bank stabilization.

Sec. 104. Small projects for navigation.

Sec. 105. Small project for improvement of the quality of the environment.

Sec. 106. Small projects for aquatic ecosystem restoration.

Sec. 107. Small project for shoreline protection.

Sec. 108. Small project for snagging and sediment removal.

Sec. 109. Petaluma River, Petaluma, California.

#### TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.

Sec. 202. Harbor cost sharing.

Sec. 203. Nonprofit entities.

Sec. 204. Rehabilitation of Federal flood control levees.

Sec. 205. Flood mitigation and riverine restoration program.

Sec. 206. Tribal partnership program.

Sec. 207. Native American reburial and transfer authority.

Sec. 208. Ability to pay.

Sec. 209. Interagency and international support authority.

Sec. 210. Property protection program.

Sec. 211. Engineering consulting services.

Sec. 212. Beach recreation.

Sec. 213. Performance of specialized or technical services.

Sec. 214. Design-build contracting.

Sec. 215. Independent review pilot program.

Sec. 216. Enhanced public participation.

Sec. 217. Monitoring.

Sec. 218. Reconnaissance studies.

Sec. 219. Fish and wildlife mitigation.

Sec. 220. Wetlands mitigation.

Sec. 221. Credit toward non-Federal share of navigation projects.

Sec. 222. Maximum program expenditures for small flood control projects.

Sec. 223. Feasibility studies and planning, engineering, and design.

Sec. 224. Administrative costs of land conveyances.

Sec. 225. Dam safety.

#### TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.

Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.

Sec. 303. Greers Ferry Lake, Arkansas.

Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.

Sec. 305. Cache Creek basin, California.

Sec. 306. Larkspur Ferry Channel, Larkspur, California.

Sec. 307. Norco Bluffs, Riverside County, California.

Sec. 308. Sacramento deep water ship channel, California.

Sec. 309. Sacramento River, Glenn-Colusa, California.

Sec. 310. Upper Guadalupe River, California.

Sec. 311. Brevard County, Florida.

Sec. 312. Fernandina Harbor, Florida.

Sec. 313. Tampa Harbor, Florida.

Sec. 314. East Saint Louis and vicinity, Illinois.

Sec. 315. Kaskaskia River, Kaskaskia, Illinois.

Sec. 316. Waukegan Harbor, Illinois.

Sec. 317. Cumberland, Kentucky.

Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.

Sec. 319. Saint Joseph River, South Bend, Indiana.

Sec. 320. Mayfield Creek and tributaries, Kentucky.

Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.

Sec. 322. Atchafalaya Basin Floodway System, Louisiana.

Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.

Sec. 324. Red River Waterway, Louisiana.

Sec. 325. Thomaston Harbor, Georges River, Maine.

Sec. 326. Breckenridge, Minnesota.

Sec. 327. Duluth Harbor, Minnesota.

Sec. 328. Little Falls, Minnesota.

Sec. 329. Poplar Island, Maryland.

Sec. 330. New York Harbor and adjacent channels, Port Jersey, New Jersey.

Sec. 331. Passaic River basin flood management, New Jersey.

Sec. 332. Times Beach nature preserve, Buffalo, New York.

Sec. 333. Garrison Dam, North Dakota.

Sec. 334. Duck Creek, Ohio.

Sec. 335. Astoria, Columbia River, Oregon.

Sec. 336. Nonconah Creek, Tennessee and Mississippi.

Sec. 337. Bowie County levee, Texas.

Sec. 338. San Antonio Channel, San Antonio, Texas.

Sec. 339. Buchanan and Dickenson Counties, Virginia.

Sec. 340. Buchanan, Dickenson, and Russell Counties, Virginia.

Sec. 341. Sandbridge Beach, Virginia Beach, Virginia.

Sec. 342. Wallops Island, Virginia.  
 Sec. 343. Columbia River, Washington.  
 Sec. 344. Mount St. Helens sediment control, Washington.  
 Sec. 345. Renton, Washington.  
 Sec. 346. Greenbrier Basin, West Virginia.  
 Sec. 347. Lower Mud River, Milton, West Virginia.  
 Sec. 348. Water quality projects.  
 Sec. 349. Project reauthorizations.  
 Sec. 350. Continuation of project authorizations.  
 Sec. 351. Declaration of nonnavigability for Lake Erie, New York.  
 Sec. 352. Project deauthorizations.  
 Sec. 353. Wyoming Valley, Pennsylvania.  
 Sec. 354. Rehoboth Beach and Dewey Beach, Delaware.

#### TITLE IV—STUDIES

Sec. 401. Studies of completed projects.  
 Sec. 402. Watershed and river basin assessments.  
 Sec. 403. Lower Mississippi River resource assessment.  
 Sec. 404. Upper Mississippi River basin sediment and nutrient study.  
 Sec. 405. Upper Mississippi River comprehensive plan.  
 Sec. 406. Ohio River System.  
 Sec. 407. Eastern Arkansas.  
 Sec. 408. Russell, Arkansas.  
 Sec. 409. Estudillo Canal, San Leandro, California.  
 Sec. 410. Laguna Creek, Fremont, California.  
 Sec. 411. Lake Merritt, Oakland, California.  
 Sec. 412. Lancaster, California.  
 Sec. 413. Napa County, California.  
 Sec. 414. Oceanside, California.  
 Sec. 415. Suisun Marsh, California.  
 Sec. 416. Lake Allatoona Watershed, Georgia.  
 Sec. 417. Chicago River, Chicago, Illinois.  
 Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.  
 Sec. 419. Long Lake, Indiana.  
 Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.  
 Sec. 421. Coastal areas of Louisiana.  
 Sec. 422. Iberia Port, Louisiana.  
 Sec. 423. Lake Pontchartrain seawall, Louisiana.  
 Sec. 424. Lower Atchafalaya basin, Louisiana.  
 Sec. 425. St. John the Baptist Parish, Louisiana.  
 Sec. 426. Las Vegas Valley, Nevada.  
 Sec. 427. Southwest Valley, Albuquerque, New Mexico.  
 Sec. 428. Buffalo Harbor, Buffalo, New York.  
 Sec. 429. Hudson River, Manhattan, New York.  
 Sec. 430. Jamesville Reservoir, Onondaga County, New York.  
 Sec. 431. Steubenville, Ohio.  
 Sec. 432. Grand Lake, Oklahoma.  
 Sec. 433. Columbia Slough, Oregon.  
 Sec. 434. Reedy River, Greenville, South Carolina.  
 Sec. 435. Germantown, Tennessee.  
 Sec. 436. Park City, Utah.  
 Sec. 437. Milwaukee, Wisconsin.  
 Sec. 438. Upper Des Plaines River and tributaries, Illinois and Wisconsin.  
 Sec. 439. Delaware River watershed.

#### TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.  
 Sec. 502. Duck River, Cullman, Alabama.  
 Sec. 503. Seward, Alaska.  
 Sec. 504. Augusta and Devalls Bluff, Arkansas.  
 Sec. 505. Beaver Lake, Arkansas.  
 Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.  
 Sec. 507. Calfed Bay Delta program assistance, California.  
 Sec. 508. Clear Lake basin, California.  
 Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.  
 Sec. 510. Huntington Beach, California.  
 Sec. 511. Mallard Slough, Pittsburg, California.

Sec. 512. Penn Mine, Calaveras County, California.  
 Sec. 513. Port of San Francisco, California.  
 Sec. 514. San Gabriel basin, California.  
 Sec. 515. Stockton, California.  
 Sec. 516. Port Everglades, Florida.  
 Sec. 517. Florida Keys water quality improvements.  
 Sec. 518. Ballard's Island, La Salle County, Illinois.  
 Sec. 519. Lake Michigan Diversion, Illinois.  
 Sec. 520. Koontz Lake, Indiana.  
 Sec. 521. Campbellsville Lake, Kentucky.  
 Sec. 522. West View Shores, Cecil County, Maryland.  
 Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.  
 Sec. 524. Muddy River, Brookline and Boston, Massachusetts.  
 Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.  
 Sec. 526. Duluth, Minnesota, alternative technology project.  
 Sec. 527. Minneapolis, Minnesota.  
 Sec. 528. St. Louis County, Minnesota.  
 Sec. 529. Wild Rice River, Minnesota.  
 Sec. 530. Coastal Mississippi wetlands restoration projects.  
 Sec. 531. Missouri River Valley improvements.  
 Sec. 532. New Madrid County, Missouri.  
 Sec. 533. Pemiscot County, Missouri.  
 Sec. 534. Las Vegas, Nevada.  
 Sec. 535. Newark, New Jersey.  
 Sec. 536. Urbanized peak flood management research, New Jersey.  
 Sec. 537. Black Rock Canal, Buffalo, New York.  
 Sec. 538. Hamburg, New York.  
 Sec. 539. Nepperhan River, Yonkers, New York.  
 Sec. 540. Rochester, New York.  
 Sec. 541. Upper Mohawk River basin, New York.  
 Sec. 542. Eastern North Carolina flood protection.  
 Sec. 543. Cuyahoga River, Ohio.  
 Sec. 544. Crowder Point, Crowder, Oklahoma.  
 Sec. 545. Oklahoma-tribal commission.  
 Sec. 546. Columbia River, Oregon and Washington.  
 Sec. 547. John Day Pool, Oregon and Washington.  
 Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.  
 Sec. 549. Skinner Butte Park, Eugene, Oregon.  
 Sec. 550. Willamette River basin, Oregon.  
 Sec. 551. Lackawanna River, Pennsylvania.  
 Sec. 552. Philadelphia, Pennsylvania.  
 Sec. 553. Access improvements, Raystown Lake, Pennsylvania.  
 Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.  
 Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.  
 Sec. 556. Joe Pool Lake, Texas.  
 Sec. 557. Benson Beach, Fort Canby State Park, Washington.  
 Sec. 558. Puget Sound and adjacent waters restoration, Washington.  
 Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.  
 Sec. 560. Wynoochee Lake, Wynoochee River, Washington.  
 Sec. 561. Snohomish River, Washington.  
 Sec. 562. Bluestone, West Virginia.  
 Sec. 563. Lesage/Greenbottom Swamp, West Virginia.  
 Sec. 564. Tug Fork River, West Virginia.  
 Sec. 565. Virginia Point Riverfront Park, West Virginia.  
 Sec. 566. Southern West Virginia.  
 Sec. 567. Fox River system, Wisconsin.  
 Sec. 568. Surfside/Sunset and Newport Beach, California.  
 Sec. 569. Illinois River basin restoration.  
 Sec. 570. Great Lakes.  
 Sec. 571. Great Lakes remedial action plans and sediment remediation.

Sec. 572. Great Lakes dredging levels adjustment.  
 Sec. 573. Dredged material recycling.  
 Sec. 574. Watershed management, restoration, and development.  
 Sec. 575. Maintenance of navigation channels.  
 Sec. 576. Support of Army civil works program.  
 Sec. 577. National recreation reservation service.  
 Sec. 578. Hydrographic survey.  
 Sec. 579. Lakes program.  
 Sec. 580. Perchlorate.  
 Sec. 581. Abandoned and inactive noncoal mine restoration.  
 Sec. 582. Release of use restriction.  
 Sec. 583. Comprehensive environmental resources protection.  
 Sec. 584. Modification of authorizations for environmental projects.  
 Sec. 585. Land transfers.  
 Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.  
 Sec. 587. Waurika Lake, Oklahoma.  
 Sec. 588. Columbia River Treaty fishing access.  
 Sec. 589. Devils Lake, North Dakota.

#### TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.  
 Sec. 602. Sense of Congress concerning Homestead Air Force Base.

#### TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.  
 Sec. 702. Missouri River Trust.  
 Sec. 703. Missouri River Task Force.  
 Sec. 704. Administration.  
 Sec. 705. Authorization of appropriations.

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

#### TITLE I—WATER RESOURCES PROJECTS

##### SEC. 101. PROJECT AUTHORIZATION.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of \$51,203,000, with an estimated Federal cost of \$33,282,000 and an estimated non-Federal cost of \$17,921,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of \$1,781,235,000, with an estimated Federal cost of \$738,631,000 and an estimated non-Federal cost of \$1,042,604,000.

(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary

substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of \$15,164,000, with an estimated Federal cost of \$8,238,000 and an estimated non-Federal cost of \$6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of \$20,000,000, with an estimated Federal cost of \$12,000,000 and an estimated non-Federal cost of \$8,000,000.

(3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of \$24,072,000, with an estimated Federal cost of \$15,576,000 and an estimated non-Federal cost of \$8,496,000.

(4) TRES RIOS, ARIZONA.—The project ecosystem restoration, Tres Rios, Arizona, at a total cost of \$99,320,000, with an estimated Federal cost of \$62,755,000 and an estimated non-Federal cost of \$36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of \$153,313,000, with an estimated Federal cost of \$43,735,000 and an estimated non-Federal cost of \$109,578,000.

(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of \$89,850,000, with an estimated Federal cost of \$57,735,000 and an estimated non-Federal cost of \$32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of \$18,300,000, with an estimated Federal cost of \$9,200,000 and an estimated non-Federal cost of \$9,100,000.

(8) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of \$32,475,000, with an estimated Federal cost of \$21,109,000 and an estimated non-Federal cost of \$11,366,000.

(9) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, White-water River basin, California, at a total cost of \$27,570,000, with an estimated Federal cost of \$17,920,000 and an estimated non-Federal cost of \$9,650,000.

(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of \$5,633,000, with an estimated Federal cost of \$3,661,000 and an estimated non-Federal cost of \$1,972,000.

(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of \$6,000,000, with an estimated Federal cost of \$4,000,000 and an estimated non-Federal cost of \$2,000,000.

(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of \$30,003,000, with an estimated Federal cost of \$18,524,000 and an estimated non-Federal cost of \$11,479,000.

(13) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of \$182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup

Lock and Dam, Kentucky and Ohio, at a total cost of \$175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of \$307,700,000, with an estimated Federal cost of \$200,000,000 and an estimated non-Federal cost of \$107,700,000.

(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of \$87,700,000, with an estimated Federal cost of \$44,000,000 and an estimated non-Federal cost of \$23,700,000.

(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of \$49,788,000, with an estimated Federal cost of \$24,894,000 and an estimated non-Federal cost of \$24,894,000.

(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of \$29,212,000, with an estimated Federal cost of \$17,586,000 and an estimated non-Federal cost of \$11,626,000.

(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of \$20,600,000, with an estimated Federal cost of \$13,390,000 and an estimated non-Federal cost of \$7,210,000.

(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of \$5,219,000, with an estimated Federal cost of \$3,392,000 and an estimated non-Federal cost of \$1,827,000.

(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of \$32,064,000, with an estimated Federal cost of \$20,842,000 and an estimated non-Federal cost of \$11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of \$69,518,000, with an estimated Federal cost of \$49,846,000 and an estimated non-Federal cost of \$19,672,000.

(23) WOLF RIVER, TENNESSEE.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of \$10,933,000, with an estimated Federal cost of \$7,106,000 and an estimated non-Federal cost of \$3,827,000.

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of \$115,879,000, with an estimated Federal cost of \$75,322,000 and an estimated non-Federal cost of \$40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of \$24,223,000, with an estimated Federal cost of \$16,097,000 and an estimated non-Federal cost of \$8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of \$52,242,000, with an estimated Federal cost of \$33,957,000 and an estimated non-Federal cost of \$18,285,000.

#### SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

#### SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary

determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

#### SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

#### SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

#### SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) MIDDLE CUYAHOCA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(19) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

#### SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

#### SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

#### SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of \$32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

### TITLE II—GENERAL PROVISIONS

#### SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to pro-

viding the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b)."

#### SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082-4084 and 4108-4109) are each amended by striking "45 feet" each place it appears and inserting "53 feet".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

#### SEC. 203. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government."

(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government."

(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148-4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government."

#### SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

#### SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

"(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

"(25) Lower Hudson River and tributaries, New York;

"(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

"(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas."

#### SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) **CONSULTATION AND COORDINATION.**—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) **CREDITS.**—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2002 through 2006. Not more than \$1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) **INDIAN TRIBE DEFINED.**—In this section, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

#### SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) **IN GENERAL.**—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) **TRANSFER AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) **DEFINITIONS.**—In this section, the terms "Indian tribe" and "Native American" have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

#### SEC. 208. ABILITY TO PAY.

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

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) **IN GENERAL.**—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

"(2) **CRITERIA AND PROCEDURES.**—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3)."; and

(2) in paragraph (3)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

#### SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33

U.S.C. 2323a(d)) is amended to read as follows: "There is authorized to be appropriated to carry out this section \$250,000 per fiscal year for fiscal years beginning after September 30, 2000."

#### SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) **IN GENERAL.**—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$500,000 per fiscal year for fiscal years beginning after September 30, 2000.

#### SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

#### SEC. 212. BEACH RECREATION.

(a) **IN GENERAL.**—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) **PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

#### SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) **IN GENERAL.**—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) **SUPPORTING MATERIALS.**—The Secretary shall develop materials supporting such certification under subsection (a).

(c) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) **CONTENTS.**—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

#### SEC. 214. DESIGN-BUILD CONTRACTING.

(a) **PILOT PROGRAM.**—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) **DESIGN-BUILD DEFINED.**—In this section, the term "design-build" means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

#### SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

#### "SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

"(a) **PROJECTS SUBJECT TO INDEPENDENT REVIEW.**—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

"(b) **ESTABLISHMENT OF PANELS.**—

"(1) **IN GENERAL.**—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

"(2) **MEMBERSHIP.**—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

"(3) **LIMITATION ON APPOINTMENTS.**—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

"(4) **CONSULTATION.**—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

"(5) **COMPENSATION.**—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) **DUTIES OF PANELS.**—A panel of experts established for a project under this section shall—

"(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

"(2) receive written and oral comments of a technical nature concerning the project from the public; and

"(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

"(d) **DURATION OF PROJECT REVIEWS.**—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180

days after the date of establishment of the panel.

“(e) **RECOMMENDATIONS OF PANEL.**—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

“(1) consider any recommendations contained in the evaluation;

“(2) make the evaluation available for public review; and

“(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

“(f) **COSTS.**—The cost of conducting a review of a project under this section shall not exceed \$250,000 and shall be a Federal expense.

“(g) **REPORT.**—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

“(h) **ELIGIBLE PROJECT DEFINED.**—In this section, the term ‘eligible project’ means—

“(1) a water resources project that has an estimated total cost of more than \$25,000,000, including mitigation costs; and

“(2) a water resources project—

“(A) that has an estimated total cost of \$25,000,000 or less, including mitigation costs; and

“(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

“(ii) to which an affected State objects.”.

#### **SEC. 216. ENHANCED PUBLIC PARTICIPATION.**

(a) **IN GENERAL.**—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

“(e) **ENHANCED PUBLIC PARTICIPATION.**—

“(1) **IN GENERAL.**—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

“(2) **MEMBERSHIP.**—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

“(3) **LIMITATION.**—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).”.

#### **SEC. 217. MONITORING.**

(a) **IN GENERAL.**—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) **DURATION.**—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) **REPORTS.**—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) **ELIGIBLE WATER RESOURCES PROJECT DEFINED.**—In this section, the term “eligible project” means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than \$25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) **COSTS.**—The cost of conducting monitoring under this section shall be a Federal expense.

#### **SEC. 218. RECONNAISSANCE STUDIES.**

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after “environmental impacts” the following: “(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)”; and

(2) by inserting after the second sentence the following: “The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.”.

#### **SEC. 219. FISH AND WILDLIFE MITIGATION.**

(a) **DESIGN OF MITIGATION PROJECTS.**—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking “(1)” and inserting “(A)”;

(2) by striking “(2)” and inserting “(B)”;

(3) by striking “(d) After the date” and inserting the following:

“(d) **MITIGATION PLANS AS PART OF PROJECT PROPOSALS.**—

“(1) **IN GENERAL.**—After the date”;

(4) by adding at the end the following:

“(2) **DESIGN OF MITIGATION PROJECTS.**—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

“(3) **RECOMMENDATION OF PROJECTS.**—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated.”; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) **CONCURRENT MITIGATION.**—

(1) **INVESTIGATION.**—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

#### **SEC. 220. WETLANDS MITIGATION.**

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

#### **SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.**

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking “paragraph (3) and” and inserting “paragraph (3),”; and

(2) by striking “paragraph (4)” and inserting “paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such

disposal areas), and meeting applicable beautification requirements”.

#### **SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.**

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking “\$40,000,000” and inserting “\$50,000,000”.

#### **SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.**

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking “Not more than 1/2 of the” and inserting “The”.

#### **SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity’s ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed \$70,000 for any one conveyance.

(b) **SPECIFIC CONVEYANCE.**—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359-360).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$150,000 for fiscal years 2001 through 2003.

#### **SEC. 225. DAM SAFETY.**

(a) **INVENTORY AND ASSESSMENT OF OTHER DAMS.**—

(1) **INVENTORY.**—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) **ASSESSMENT OF REHABILITATION NEEDS.**—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) **INTERIM ACTIONS.**—

(1) **IN GENERAL.**—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) **EXCLUSION.**—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) **FEDERAL SHARE.**—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) **COORDINATION.**—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$25,000,000 for fiscal years beginning after September 30, 1999, of which not more than \$5,000,000 may be expended on any one dam.

### **TITLE III—PROJECT-RELATED PROVISIONS**

#### **SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.**

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized



by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

**SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.**

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking "LAKE" and inserting "VISITOR CENTER"; and

(2) in paragraph (1) by striking "at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas" and inserting "on property provided by the city of Fort Smith, Arkansas, in such city".

**SEC. 303. GREERS FERRY LAKE, ARKANSAS.**

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

**SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.**

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

**SEC. 305. CACHE CREEK BASIN, CALIFORNIA.**

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of \$2,800,000.

**SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.**

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

**SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.**

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking "\$8,600,000" and all that follows through "\$2,150,000" and inserting "\$15,000,000, with an estimated Federal cost of \$11,250,000 and an estimated non-Federal cost of \$3,750,000".

**SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

**SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to \$4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

**SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of \$70,164,000 each.

**SEC. 311. BREVARD COUNTY, FLORIDA.**

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting "shoreline associated with the" after "damage to the".

**SEC. 312. FERNANDINA HARBOR, FLORIDA.**

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

**SEC. 313. TAMPA HARBOR, FLORIDA.**

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accord-

ance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of \$61,592,000, with an estimated Federal cost of \$39,621,000 and an estimated non-Federal cost of \$21,971,000.

**SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.**

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

**SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.**

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

**SEC. 316. WAUKEGAN HARBOR, ILLINOIS.**

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

**SEC. 317. CUMBERLAND, KENTUCKY.**

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

**SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.**

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of \$24,000,000, with an estimated Federal cost of \$12,000,000 and an estimated non-Federal cost of \$12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term "stabilize and renovate" includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

**SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.**

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking "TOTAL" and inserting "FEDERAL"; and

(2) by striking "total" and inserting "Federal".

**SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

**SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.**

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to

provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

**SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

**SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.**

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

**SEC. 324. RED RIVER WATERWAY, LOUISIANA.**

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

**SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.**

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

**SEC. 326. BRECKENRIDGE, MINNESOTA.**

(a) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be \$10,500,000.

(b) **REVISION OF PROJECT COOPERATION AGREEMENT.**—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

**SEC. 327. DULUTH HARBOR, MINNESOTA.**

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

**SEC. 328. LITTLE FALLS, MINNESOTA.**

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2,

1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

**SEC. 329. POPLAR ISLAND, MARYLAND.**

(a) **IN GENERAL.**—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) **REDUCTION.**—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

**SEC. 330. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.**

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306-307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

**SEC. 331. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.**

(a) **REEVALUATION OF FLOODWAY STUDY.**—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607-4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) **REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.**—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) **PRESERVATION OF NATURAL STORAGE AREAS.**—

(1) **IN GENERAL.**—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) **PURCHASE.**—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) **STREAMBANK EROSION CONTROL STUDY.**—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) **PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.**—

(1) **ESTABLISHMENT.**—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) **MEMBERSHIP.**—The task force shall be composed of 22 members, appointed as follows:

(A) **APPOINTMENT BY SECRETARY.**—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) **APPOINTMENTS BY GOVERNOR OF NEW JERSEY.**—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) **APPOINTMENT BY GOVERNOR OF NEW YORK.**—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) **MEETINGS.**—

(A) **REGULAR MEETINGS.**—The task force shall hold regular meetings.

(B) **OPEN MEETINGS.**—The meetings of the task force shall be open to the public.

(4) **ANNUAL REPORT.**—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) **EXPENDITURE OF FUNDS.**—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) **TERMINATION.**—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) **ACQUISITION OF LANDS IN THE FLOODWAY.**—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718-3719), is amended by adding at the end the following:

"(e) **CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.**—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey."

(g) **STUDY OF HIGHLANDS LAND CONSERVATION.**—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection



for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) **RESTRICTION ON USE OF FUNDS.**—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

**SEC. 332. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.**

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

**SEC. 333. GARRISON DAM, NORTH DAKOTA.**

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of \$3,900,000.

**SEC. 334. DUCK CREEK, OHIO.**

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of \$36,323,000, with an estimated Federal cost of \$27,242,000 and an estimated non-Federal cost of \$9,081,000.

**SEC. 335. ASTORIA, OREGON.**

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed \$500,000.

**SEC. 336. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.**

The project for flood control, Nonconnaah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

**SEC. 337. BOWIE COUNTY LEVEE, TEXAS.**

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

**SEC. 338. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection

on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

**SEC. 339. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.**

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

**SEC. 340. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.**

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

**SEC. 341. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.**

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

**SEC. 342. WALLOPS ISLAND, VIRGINIA.**

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking "\$8,000,000" and inserting "\$20,000,000".

**SEC. 343. COLUMBIA RIVER, WASHINGTON.**

(a) **IN GENERAL.**—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of \$1,000,000.

(b) **ALLOCATION.**—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

**SEC. 344. MOUNT ST. HELENS, WASHINGTON.**

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", printed as House Document number 99–135.

**SEC. 345. RENTON, WASHINGTON.**

(a) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be \$5,300,000.

(b) **REVISION OF PROJECT COOPERATION AGREEMENT.**—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) **REIMBURSEMENT.**—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate over dredging.

**SEC. 346. GREENBRIER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking "\$12,000,000" and inserting "\$73,000,000".

**SEC. 347. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project.

**SEC. 348. WATER QUALITY PROJECTS.**

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

**SEC. 349. PROJECT REAUTHORIZATIONS.**

(a) **IN GENERAL.**—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) **NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) **CEDAR BAYOU, TEXAS.**—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act

making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile -2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) **REDESIGNATION.**—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

#### SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) **IN GENERAL.**—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900-901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) **LIMITATION.**—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

#### SEC. 351. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) **AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.**—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) **BOUNDARIES.**—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36'46" East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36'46" East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway bound-

ary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40-R2, Parcel No. 44 the following 20 courses and distances:

- (1) South 10°00'07" East a distance of 164.30 feet;
- (2) South 18°40'45" East a distance of 355.00 feet;
- (3) South 71°23'35" West a distance of 2.00 feet;
- (4) South 18°40'45" East a distance of 223.00 feet;
- (5) South 22°29'36" East a distance of 150.35 feet;
- (6) South 18°40'45" East a distance of 512.00 feet;
- (7) South 16°49'53" East a distance of 260.12 feet;
- (8) South 18°34'20" East a distance of 793.00 feet;
- (9) South 71°23'35" West a distance of 4.00 feet;
- (10) South 18°13'24" East a distance of 132.00 feet;
- (11) North 71°23'35" East a distance of 4.67 feet;
- (12) South 18°30'00" East a distance of 38.00 feet;
- (13) South 71°23'35" West a distance of 4.86 feet;
- (14) South 18°13'24" East a distance of 160.00 feet;
- (15) South 71°23'35" East a distance of 9.80 feet;
- (16) South 18°36'25" East a distance of 159.00 feet;
- (17) South 71°23'35" West a distance of 3.89 feet;
- (18) South 18°34'20" East a distance of 180.00 feet;
- (19) South 20°56'05" East a distance of 138.11 feet;
- (20) South 22°53'55" East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36'25" East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

- (1) South 16°17'25" East a distance of 74.93 feet;
- (2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12'16" East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35'35" West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

- (1) North 85°24'25" West a distance of 1.00 feet;
- (2) South 7°01'17" West a distance of 170.15 feet;
- (3) South 5°02'54" West a distance of 180.00 feet;
- (4) North 85°24'25" West a distance of 3.00 feet;
- (5) South 5°02'54" West a distance of 260.00 feet;
- (6) South 5°09'11" West a distance of 110.00 feet;
- (7) South 0°34'35" West a distance of 110.27 feet;
- (8) South 4°50'37" West a distance of 220.00 feet;
- (9) South 4°50'37" West a distance of 365.00 feet;
- (10) South 85°24'25" East a distance of 5.00 feet;
- (11) South 4°06'20" West a distance of 67.00 feet;
- (12) South 6°04'35" West a distance of 248.08 feet;

- (13) South 3°18'27" West a distance of 52.01 feet;
- (14) South 4°55'58" West a distance of 133.00 feet;
- (15) North 85°24'25" West a distance of 1.00 feet;
- (16) South 4°55'58" West a distance of 45.00 feet;
- (17) North 85°24'25" West a distance of 7.00 feet;
- (18) South 4°56'12" West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

- (1) South 4°55'58" West a distance of 127.00 feet;
- (2) South 2°29'25" East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly former highway boundary of Lake Shore Road, South 4°35'35" West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

- (1) South 5°34'35" West a distance of 12.55 feet;
- (2) South 4°35'35" West a distance of 118.50 feet;
- (3) South 3°04'00" West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

- (1) North 89°25'14" West a distance of 697.64 feet;
- (2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16'48" West, a distance of 215.38 feet;
- (3) South 30°42'49" West a distance of 76.96 feet;
- (4) South 22°06'03" West a distance of 689.43 feet;
- (5) South 36°09'23" West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13'38" West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

- (1) North 16°29'53" West a distance of 267.84 feet;
- (2) North 24°25'00" West a distance of 195.01 feet;
- (3) North 26°45'00" West a distance of 250.00 feet;
- (4) North 31°15'00" West a distance of 205.00 feet;
- (5) North 21°35'00" West a distance of 110.00 feet;
- (6) North 44°00'53" West a distance of 26.38 feet;
- (7) North 33°49'18" West a distance of 74.86 feet;
- (8) North 34°26'26" West a distance of 12.00 feet;
- (9) North 31°06'16" West a distance of 72.06 feet;
- (10) North 22°35'00" West a distance of 150.00 feet;
- (11) North 16°35'00" West a distance of 420.00 feet;
- (12) North 21°10'00" West a distance of 440.00 feet;
- (13) North 17°55'00" West a distance of 340.00 feet;
- (14) North 28°05'00" West a distance of 375.00 feet;
- (15) North 16°25'00" West a distance of 585.00 feet;

(16) North 22°10'00" West a distance of 160.00 feet;  
 (17) North 2°46'36" West a distance of 65.54 feet;  
 (18) North 16°01'08" West a distance of 70.04 feet;  
 (19) North 49°07'00" West a distance of 79.00 feet;  
 (20) North 19°16'00" West a distance of 425.00 feet;  
 (21) North 16°37'00" West a distance of 285.00 feet;  
 (22) North 25°20'00" West a distance of 360.00 feet;  
 (23) North 33°00'00" West a distance of 230.00 feet;  
 (24) North 32°40'00" West a distance of 310.00 feet;  
 (25) North 27°10'00" West a distance of 130.00 feet;  
 (26) North 23°20'00" West a distance of 315.00 feet;  
 (27) North 18°20'04" West a distance of 302.92 feet;  
 (28) North 20°15'48" West a distance of 387.18 feet;  
 (29) North 14°20'00" West a distance of 530.00 feet;  
 (30) North 16°40'00" West a distance of 260.00 feet;  
 (31) North 28°35'00" West a distance of 195.00 feet;  
 (32) North 18°30'00" West a distance of 170.00 feet;  
 (33) North 26°30'00" West a distance of 340.00 feet;  
 (34) North 32°07'52" West a distance of 232.38 feet;  
 (35) North 30°04'26" West a distance of 17.96 feet;  
 (36) North 23°19'13" West a distance of 111.23 feet;  
 (37) North 7°07'58" West a distance of 63.90 feet;  
 (38) North 8°11'02" West a distance of 378.90 feet;  
 (39) North 15°01'02" West a distance of 190.64 feet;  
 (40) North 2°55'00" West a distance of 170.00 feet;  
 (41) North 6°45'00" West a distance of 240.00 feet;  
 (42) North 0°10'00" East a distance of 465.00 feet;  
 (43) North 2°00'38" West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23'35" East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

- (1) South 80°14'01" East a distance of 119.30 feet;
- (2) North 46°15'13" East a distance of 47.83 feet;
- (3) North 59°53'02" East a distance of 53.32 feet;
- (4) North 38°20'43" East a distance of 27.31 feet;
- (5) North 68°12'46" East a distance of 48.67 feet;
- (6) North 26°11'47" East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23'35" East a distance of 1755.19 feet; thence South 35°27'25" East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02'35" East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01'45" East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

- (1) South 18°44'53" East a distance of 623.56 feet;
- (2) South 34°33'00" East a distance of 200.00 feet;
- (3) South 26°18'55" East a distance of 500.00 feet;
- (4) South 19°06'40" East a distance of 1074.29 feet;
- (5) South 28°03'18" East a distance of 242.44 feet;
- (6) South 18°38'50" East a distance of 1010.95 feet;
- (7) North 71°20'51" East a distance of 90.42 feet;
- (8) South 18°49'20" East a distance of 158.61 feet;
- (9) South 80°55'10" East a distance of 45.14 feet;
- (10) South 18°04'45" East a distance of 52.13 feet;
- (11) North 71°07'23" East a distance of 102.59 feet;
- (12) South 18°41'40" East a distance of 63.00 feet;
- (13) South 71°07'23" West a distance of 240.62 feet;
- (14) South 18°38'50" East a distance of 668.13 feet;
- (15) North 71°28'46" East a distance of 958.68 feet;
- (16) North 18°42'31" West a distance of 1001.28 feet;
- (17) South 71°17'29" West a distance of 168.48 feet;
- (18) North 18°42'31" West a distance of 642.00 feet;
- (19) North 71°17'37" East a distance of 17.30 feet;
- (20) North 18°42'31" West a distance of 574.67 feet;
- (21) North 71°17'29" East a distance of 151.18 feet;
- (22) North 18°42'31" West a distance of 1156.43 feet;
- (23) North 71°29'21" East a distance of 569.24 feet;
- (24) North 18°30'39" West a distance of 314.71 feet;
- (25) North 70°59'36" East a distance of 386.47 feet;
- (26) North 18°30'39" West a distance of 70.00 feet;
- (27) North 70°59'36" East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

#### SEC. 352. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

- (1) BLACK WARRIOR AND TOBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of

the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341-199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475.70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota

and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12

minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

#### SEC. 353. WYOMING VALLEY, PENNSYLVANIA.

(a) IN GENERAL.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.

(b) ADDITIONAL PROJECT ELEMENTS.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:

(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.

(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.

(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.

(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.

(5) All necessary evaluations and modifications to all elements of the existing flood control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.

(c) CREDIT.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of \$500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.

(d) MODIFICATION OF MITIGATION PLAN AND PROJECT COOPERATION AGREEMENT.—

(1) MODIFICATION OF MITIGATION PLAN.—The Secretary shall provide for the deletion, from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.

(2) MODIFICATION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its \$1,800,000 total cost from the mitigation plan under paragraph (1).

(e) MAXIMUM PROJECT COST.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

#### SEC. 354. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and

Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources Development Act of 1996, is modified to authorize the project at a total cost of \$13,997,000, with an estimated Federal cost of \$9,098,000 and an estimated non-Federal cost of \$4,899,000, and an estimated average annual cost of \$1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$858,000 and an estimated annual non-Federal cost of \$462,000.

#### TITLE IV—STUDIES

##### SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

##### SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

##### "SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

"(b) CONSULTATION.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

"(c) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

"(1) Delaware River.

"(2) Potomac River.

"(3) Susquehanna River.

"(4) Kentucky River.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000."

##### SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) **REPORTS.**—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) **LOWER MISSISSIPPI RIVER SYSTEM DEFINED.**—In this section, the term “Lower Mississippi River system” means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,750,000 to carry out this section.

**SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) **CONSULTATION.**—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) **COMPONENTS OF THE STUDY.**—

(1) **COMPUTER MODELING.**—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) **RESEARCH.**—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) **USE OF INFORMATION.**—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) **REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

**SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking “date of enactment of this Act” and inserting “first date on which funds are appropriated to carry out this section.”.

**SEC. 406. OHIO RIVER SYSTEM.**

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an anal-

ysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

**SEC. 407. EASTERN ARKANSAS.**

(a) **IN GENERAL.**—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

**SEC. 408. RUSSELL, ARKANSAS.**

(a) **IN GENERAL.**—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled “Preliminary Investigation: Lone Star Management Project”, prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

**SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

**SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

**SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

**SEC. 412. LANCASTER, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall evaluate the report of the city of Lancaster, California, entitled “Master Plan of Drainage”, to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

**SEC. 413. NAPA COUNTY, CALIFORNIA.**

(a) **STUDY.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) **USE OF EXISTING DATA.**—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled “Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California”.

**SEC. 414. OCEANSIDE, CALIFORNIA.**

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

**SEC. 415. SUISUN MARSH, CALIFORNIA.**

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60), shall be limited to evaluating the

feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

**SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.**

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

**“SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.**

“(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

“(b) **MATTERS TO BE ADDRESSED.**—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.”.

**SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) **CONSULTATION.**—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

**SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.**

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

**SEC. 419. LONG LAKE, INDIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

**SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.**

(a) **IN GENERAL.**—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled “Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road”, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

**SEC. 421. COASTAL AREAS OF LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

**SEC. 422. IBERIA PORT, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

**SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

**SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.**

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

**SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for

flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

**SEC. 426. LAS VEGAS VALLEY, NEVADA.**

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff").

**SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.**

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) **EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.**—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff."

**SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) **CONTENTS.**—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

**SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

**SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

**SEC. 431. STEUBENVILLE, OHIO.**

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

**SEC. 432. GRAND LAKE, OKLAHOMA.**

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking "date of enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2000"; and

(2) by inserting "and Miami" after "Pensacola Dam".

**SEC. 433. COLUMBIA SLOUGH, OREGON.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

**SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage re-

duction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

**SEC. 435. GERMANTOWN, TENNESSEE.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) **COST SHARING.**—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) **LIMITATION.**—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

**SEC. 436. PARK CITY, UTAH.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

**SEC. 437. MILWAUKEE, WISCONSIN.**

(a) **IN GENERAL.**—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

**SEC. 438. UPPER DES PLAINES RIVER AND TRIBUARIES, ILLINOIS AND WISCONSIN.**

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324-325) is amended by adding at the end the following:

"(d) **CREDIT.**—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study."

**SEC. 439. DELAWARE RIVER WATERSHED.**

(a) **STUDY.**—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) **ACTIVITIES.**—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000. Such sums shall remain available until expended.

(2) **CORPS OF ENGINEERS EXPENSES.**—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. BRIDGEPORT, ALABAMA.**

(a) **DETERMINATION.**—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) **REIMBURSEMENT.**—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

**SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.**

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

**SEC. 503. SEWARD, ALASKA.**

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of \$3,000,000.

**SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.**

(a) **IN GENERAL.**—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) **REIMBURSEMENT.**—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

**SEC. 505. BEAVER LAKE, ARKANSAS.**

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

**SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.**

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.

**SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the "Program") and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) **COOPERATIVE ACTIVITIES.**—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) **GEOGRAPHIC SCOPE.**—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the "Bay-Delta Estuary"), as identified in the agreement entitled the "Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate".



(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2002 through 2005.

#### SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

#### SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

#### SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

#### SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

#### SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) **IN GENERAL.**—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), \$4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) **SOURCE OF FUNDING.**—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

#### SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) **EMERGENCY MEASURES.**—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) **STUDY.**—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) **FUNDING.**—There is authorized to be appropriated \$3,000,000 to carry out this section.

#### SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) **SAN GABRIEL BASIN RESTORATION.**—

(1) **ESTABLISHMENT OF FUND.**—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) **ADMINISTRATION OF FUND.**—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) **PURPOSES OF FUND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the amounts in the Restoration Fund, in-

cluding interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) **COST-SHARING LIMITATION.**—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) **COMPLIANCE WITH APPLICABLE LAW.**—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) **RELATIONSHIP TO OTHER ACTIVITIES.**—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$85,000,000. Such funds shall remain available until expended.

(2) **SET-ASIDE.**—Of the amounts appropriated under paragraph (1), no more than \$10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) **ADJUSTMENT.**—Of the \$25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) \$2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) \$23,000,000 shall be deposited in the Restoration Fund, of which \$4,000,000 shall be used for remediation in the Central Basin, California.

#### SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b-13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

#### SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reim-

burse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, \$15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

#### SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) **IN GENERAL.**—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) **CRITERIA FOR PROJECTS.**—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) **CONSIDERATION.**—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771-3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) **NON-FEDERAL SHARE.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) **CREDIT.**—

(A) **IN GENERAL.**—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) **TREATMENT OF CREDIT BETWEEN PROJECTS.**—Any credit provided under this paragraph may be carried over between authorized projects.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000. Such sums shall remain available until expended.

**SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.**

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

**SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.**

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and \$800,000 for each fiscal year beginning after September 30, 2003,".

**SEC. 520. KOONTZ LAKE, INDIANA.**

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

**SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.**

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of \$200,000.

**SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

**SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.**

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated \$20,000,000 to carry out paragraph (4).".

**SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.**

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

**SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.**

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

**SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.**

(a) **PROJECT AUTHORIZATION.**—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: "including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 541(b) of such Act is amended by striking "\$1,000,000" and inserting "\$3,000,000".

**SEC. 527. MINNEAPOLIS, MINNESOTA.**

(a) **IN GENERAL.**—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY.**—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) **OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.**—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) **CREDIT FOR NON-FEDERAL WORK.**—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$10,000,000 to carry out this section.

**SEC. 528. ST. LOUIS COUNTY, MINNESOTA.**

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

**SEC. 529. WILD RICE RIVER, MINNESOTA.**

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

**SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.**

(a) **IN GENERAL.**—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) **PROJECT SELECTION.**—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) **COST SHARING.**—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide

that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) **NONPROFIT ENTITY.**—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

**SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.**

(a) **MISSOURI RIVER MITIGATION PROJECT.**—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize \$200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) **UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.**—

(1) **IN GENERAL.**—

(A) **STUDY.**—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) **PILOT PROGRAM.**—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) **RESERVOIR FISH LOSS STUDY.**—

(A) **IN GENERAL.**—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) \$200,000; and

(B) to carry out the other provisions of this subsection \$1,000,000 for each of fiscal years 2001 through 2010.

(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section \$5,000,000 for each of fiscal years 2001 through 2010.”

#### SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

#### SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

#### SEC. 534. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term “Committee” means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term “Plan” means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term “Project” means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section.

#### SEC. 535. NEWARK, NEW JERSEY.

(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land

and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

#### SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$11,000,000 for fiscal years beginning after September 30, 2000.

#### SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

#### SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

#### SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

#### SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

#### SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to re-

duce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of \$10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term “Upper Mohawk River basin” means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

#### SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

- (1) New River and tributaries.
- (2) White Oak River and tributaries.
- (3) Neuse River and tributaries.
- (4) Pamlico River and tributaries.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

- (1) pay 35 percent of the cost of the project; and
- (2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term “major disaster” means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for fiscal years 2001 through 2003.

#### SEC. 543. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of \$500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis,

plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

**SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.**

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

**SEC. 545. OKLAHOMA-TRIBAL COMMISSION.**

(a) FINDINGS.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

**SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.**

(a) MODELING AND FORECASTING SYSTEM.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) USE OF CONTRACTS AND GRANTS.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

**SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.**

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10' west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) NO EFFECT ON OTHER NEEDS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

**SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.**

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) USE OF MANAGEMENT PLANS.—

(1) LOWER COLUMBIA RIVER ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) TILLAMOOK BAY ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed

under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) LIMITATIONS.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) PRIORITY.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) LOWER COLUMBIA RIVER ESTUARY.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) TILLAMOOK BAY ESTUARY.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000.

**SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.**

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: "If the Secretary participates in the project, the Secretary

shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley."

#### SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351-352) is amended by adding at the end the following:

"(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section."

#### SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) IN GENERAL.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking "and" at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting "and"; and

(3) by adding at the end the following:

"(C) the Lackawanna River, Pennsylvania."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776-3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting "and \$5,000,000 for projects undertaken under subsection (a)(1)(C)" before the period at the end.

#### SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

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

#### SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105-178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

#### SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787-3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of \$10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate non-profit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem."

#### SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer \$200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

#### SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63-76-C-0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of \$4,290,000 in 2 installments, 1 in the amount of \$2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of \$2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

#### SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

#### SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than \$2,500,000 may be allocated to carry out any project.

(d) COST SHARING.—

(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas pro-

vided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term "critical restoration project" means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000.

#### SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

#### SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67-68-C-0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

#### SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

#### SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia,

under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred to in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting

through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

**SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

“(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.”

**SEC. 564. TUG FORK RIVER, WEST VIRGINIA.**

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

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

**SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.**

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,100,000.

**SEC. 566. SOUTHERN WEST VIRGINIA.**

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting “environmental restoration,” after “distribution facilities.”

**SEC. 567. FOX RIVER SYSTEM, WISCONSIN.**

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: “Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.”

**SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.**

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

**SEC. 569. ILLINOIS RIVER BASIN RESTORATION.**

(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term “Illinois River basin” means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry



out projects under this subsection \$100,000,000 for fiscal years 2001 through 2004.

(3) **FEDERAL SHARE.**—The Federal share of the cost of carrying out any project under this subsection shall not exceed \$5,000,000.

(d) **GENERAL PROVISIONS.**—

(1) **WATER QUALITY.**—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) **PUBLIC PARTICIPATION.**—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) **COORDINATION.**—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) **JUSTIFICATION.**—

(1) **IN GENERAL.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) **APPLICABILITY.**—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) **OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.**—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) **IN-KIND SERVICES.**—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section,

as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) **CREDIT.**—

(A) **VALUE OF LANDS.**—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) **WORK.**—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

#### SEC. 570. GREAT LAKES.

(a) **GREAT LAKES TRIBUTARY MODEL.**—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

“(3) **REPORT.**—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary’s activities under this subsection.”; and

(2) in subsection (g)—

(A) by striking “There is authorized” and inserting the following:

“(1) **IN GENERAL.**—There is authorized”;

(B) by adding at the end the following:

“(2) **GREAT LAKES TRIBUTARY MODEL.**—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through 2006.”; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) **ALTERNATIVE ENGINEERING TECHNOLOGIES.**—

(1) **DEVELOPMENT OF PLAN.**—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$200,000. Activities under this subsection shall be carried out at Federal expense.

(c) **FISHERIES AND ECOSYSTEM RESTORATION.**—

(1) **DEVELOPMENT OF PLAN.**—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$300,000. Activities under this subsection shall be carried out at Federal expense.

#### SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking “50 percent” and inserting “35 percent”;

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking “50 percent” and inserting “35 percent”;

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking “\$5,000,000 for each of fiscal years 1998 through 2000.” and in-

serting “\$10,000,000 for each of fiscal years 2001 through 2005.”.

#### SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) **DEFINITION OF GREAT LAKE.**—In this section, the term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) **DREDGING LEVELS.**—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

#### SEC. 573. DREDGED MATERIAL RECYCLING.

(a) **PILOT PROGRAM.**—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) **REPORT.**—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,000,000.

#### SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756-3757; 113 Stat. 288) is amended by adding at the end the following:

“(28) Tomales Bay watershed, California.

“(29) Kaskaskia River watershed, Illinois.

“(30) Sangamon River watershed, Illinois.

“(31) Lackawanna River watershed, Pennsylvania.

“(32) Upper Charles River watershed, Massachusetts.

“(33) Brazos River watershed, Texas.”.

#### SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

“(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

“(17) Morehead City Harbor, North Carolina.”.

#### SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

#### SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861-515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army’s share of the cost of activities required for implementing, operating, and maintaining the Service.

#### SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after

the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

#### SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

##### (b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary \$25,000,000, of which not to exceed \$8,000,000 shall be available to carry out subsection (b)(1), not to exceed \$3,000,000 shall be available to carry out subsection (b)(2), and not to exceed \$7,000,000 shall be available to carry out subsection (b)(3).

#### SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354-355) is amended—

(1) in subsection (a) by striking "and design" and inserting "design, and construction";

(2) in subsection (c) by striking "50" and inserting "35";

(3) in subsection (e) by inserting "and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and" after "entities"; and

(4) by striking subsection (f) and inserting the following:

"(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

"(i) COST LIMITATION.—Not more than \$10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal

or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

"(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$45,000,000. Such sums shall remain available until expended."

#### SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148-4149) is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

"(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

"(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection \$6,000,000. Such sums shall remain available until expended."

#### SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

#### SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAIYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—\$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—\$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—\$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—\$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—\$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—\$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—\$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—\$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—\$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—\$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—\$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—\$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—\$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—\$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—\$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—\$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—\$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

#### SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking “\$20,000,000” and inserting “\$30,000,000”;

(2) in subsection (f)(4) by striking “\$15,000,000” and inserting “\$35,000,000”;

(3) in subsection (f)(21) by striking “\$10,000,000” and inserting “\$20,000,000”;

(4) in subsection (f)(25) by striking “\$5,000,000” and inserting “\$15,000,000”;

(5) in subsection (f)(30) by striking “\$10,000,000” and inserting “\$20,000,000”;

(6) in subsection (f)(43) by striking “\$15,000,000” and inserting “\$35,000,000”; and

(7) in subsection (f) by adding at the end the following new paragraph:

“(44) WASHINGTON, D.C., AND MARYLAND.—\$15,000,000 for the project described in sub-

section (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.”.

#### SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled “Property Survey Prepared for West Thompson Independent Firemen Association #1” dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT-276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT-123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT-277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the “Hospital”) by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05' 40" West—436.31 feet to a point, thence

(B) South 89° 59' 30" West—550 feet to a point, thence

(C) South 53° 48' 00" West—361.08 feet to a point, thence

(D) South 89° 59' 30" West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17' 20" West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18' 21" East—258.85 feet to a point, thence

(G) North 02° 49' 16" West—214.18 feet to a point, thence

(H) South 87° 09' 00" West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41' 30" East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09' 00" East—373.96 feet to a point, thence

(K) North 88° 42' 48" East—374.92 feet to a point, thence

(L) North 56° 53' 40" East—53.16 feet to a point, thence

(M) North 86° 00' 15" East—26.17 feet to a point, thence

(N) South 87° 24' 50" East—464.01 feet to a point, thence

(O) North 83° 34' 31" East—212.62 feet to a point, thence

(P) South 30° 16' 12" East—108.97 feet to a point, thence

(Q) South 38° 30' 23" East—287.46 feet to a point, thence

(R) South 09° 03' 38" West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54' 43" West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention

of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05' 40" East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds as now described:

- (i) North 35° 05' 40" West—495.13 feet to a point, thence
- (ii) North 87° 24' 50" West—414.43 feet to a point, thence
- (iii) South 81° 08' 00" West—69.56 feet to a point, thence
- (iv) South 88° 42' 48" West—367.50 feet to a point, thence
- (v) South 87° 09' 00" West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described
- (vi) North 08° 41' 30" East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described
- (vii) North 87° 09' 00" East—373.96 feet to a point, thence
- (viii) North 88° 42' 48" East—374.92 feet to a point, thence
- (ix) North 56° 53' 40" East—53.16 feet to a point, thence
- (x) North 86° 00' 15" East—26.17 feet to a point, thence
- (xi) South 87° 24' 50" East—464.01 feet to a point, thence
- (xii) North 83° 34' 31" East—50.62 feet to a point, thence
- (xiii) South 02° 35' 10" West—46.46 feet to a point, thence
- (xiv) South 13° 38' 12" East—107.83 feet to a point, thence
- (xv) South 35° 05' 40" East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described
- (xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59' 22" West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the

parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-46 and FM-47, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all

costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752-3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary

may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property described in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18-1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1-C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be

used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

#### SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and east of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

#### SEC. 587. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

#### SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled "An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)", approved November 1, 1988 (102 Stat. 2944), is amended by striking "\$2,000,000" and inserting "\$4,000,000".

#### SEC. 589. DEVILS LAKE, NORTH DAKOTA.

No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

##### SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground

water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of \$69,000,000, with an estimated Federal cost of \$34,500,000 and an estimated non-Federal cost of \$34,500,000:

(i) Caloosahatchee River (C-43) Basin ASR, at a total cost of \$6,000,000, with an estimated Federal cost of \$3,000,000 and an estimated non-Federal cost of \$3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of \$23,000,000, with an estimated Federal cost of \$11,500,000 and an estimated non-Federal cost of \$11,500,000.

(iii) L-31N Seepage Management, at a total cost of \$10,000,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of \$30,000,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of \$1,100,918,000, with an estimated Federal cost of \$550,459,000 and an estimated non-Federal cost of \$550,459,000:

(i) C-44 Basin Storage Reservoir, at a total cost of \$112,562,000, with an estimated Federal cost of \$56,281,000 and an estimated non-Federal cost of \$56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of \$233,408,000, with an estimated Federal cost of \$116,704,000 and an estimated non-Federal cost of \$116,704,000.

(iii) Site 1 Impoundment, at a total cost of \$38,535,000, with an estimated Federal cost of \$19,267,500 and an estimated non-Federal cost of \$19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of \$100,335,000, with an estimated Federal cost of \$50,167,500 and an estimated non-Federal cost of \$50,167,500.

(v) C-11 Impoundment and Stormwater Treatment Area, at a total cost of \$124,837,000, with an estimated Federal cost of \$62,418,500 and an estimated non-Federal cost of \$62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of \$89,146,000, with an estimated Federal cost of \$44,573,000 and an estimated non-Federal cost of \$44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of \$104,027,000, with an estimated Federal cost of \$52,013,500 and an estimated non-Federal cost of \$52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of \$26,946,000, with an estimated Federal cost of \$13,473,000 and an estimated non-Federal cost of \$13,473,000.

(ix) North New River Improvements, at a total cost of \$77,087,000, with an estimated Federal cost of \$38,543,500 and an estimated non-Federal cost of \$38,543,500.

(x) C-111 Spreader Canal, at a total cost of \$94,035,000, with an estimated Federal cost of \$47,017,500 and an estimated non-Federal cost of \$47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of \$100,000,000, with an estimated Federal cost of \$50,000,000 and an estimated non-Federal cost of \$50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartamentalization and Sheetflow Enhancement Project (including component AA, Additional S-345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartamentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(i) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed \$12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed \$25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed \$206,000,000, with an estimated Federal cost of \$103,000,000 and an estimated non-Federal cost of \$103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(i) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(ii) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(iii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iv) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the



Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor

and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrence statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrence statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the promulgated regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

**(B) PROJECT COOPERATION AGREEMENTS.—**

(i) **IN GENERAL.**—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) **CONDITION.**—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

**(C) OPERATING MANUALS.—**

(i) **IN GENERAL.**—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) **MODIFICATIONS.**—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

**(5) SAVINGS CLAUSE.—**

(A) **NO ELIMINATION OR TRANSFER.**—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) **MAINTENANCE OF FLOOD PROTECTION.**—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) **NO EFFECT ON TRIBAL COMPACT.**—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

**(I) DISPUTE RESOLUTION.—**

(i) **IN GENERAL.**—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementa-

tion of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) **CONDITION FOR REPORT APPROVAL.**—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) **NO EFFECT ON LAW.**—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

**(J) INDEPENDENT SCIENTIFIC REVIEW.—**

(i) **IN GENERAL.**—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) **REPORT.**—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

**(K) OUTREACH AND ASSISTANCE.—**

(i) **SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

**(2) COMMUNITY OUTREACH AND EDUCATION.—**

(A) **IN GENERAL.**—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) **PROVISION OF OPPORTUNITIES.**—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(I) **REPORT TO CONGRESS.**—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assess-

ment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) **REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.**—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

**(N) FULL DISCLOSURE OF PROPOSED FUNDING.—**

(1) **FUNDING FROM ALL SOURCES.**—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) **FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.**—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) **SURPLUS FEDERAL LANDS.**—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) **SEVERABILITY.**—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

**SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.**

(a) **FINDINGS.**—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

#### **TITLE VII—MISSOURI RIVER RESTORATION**

##### **SEC. 701. DEFINITIONS.**

In this title, the following definitions apply:

(1) **PICK-SLOAN PROGRAM.**—The term “Pick-Sloan program” means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) **PLAN.**—The term “plan” means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) **STATE.**—The term “State” means the State of South Dakota.

(4) **TASK FORCE.**—The term “Task Force” means the Missouri River Task Force established by section 705(a).

(6) **TRUST.**—The term “Trust” means the Missouri River Trust established by section 704(a).

##### **SEC. 702. MISSOURI RIVER TRUST.**

(a) **ESTABLISHMENT.**—There is established a committee to be known as the Missouri River Trust.

(b) **MEMBERSHIP.**—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

##### **SEC. 703. MISSOURI RIVER TASK FORCE.**

(a) **ESTABLISHMENT.**—There is established the Missouri River Task Force.

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) **DUTIES.**—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) **CONSULTATION.**—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) **PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.**—

(1) **IN GENERAL.**—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) **CONTENTS OF PLAN.**—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) **PLAN REVIEW AND REVISION.**—

(A) **IN GENERAL.**—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) **REVISION OF PLAN.**—

(i) **IN GENERAL.**—The Task Force may, on an annual basis, revise the plan.

(ii) **PUBLIC REVIEW AND COMMENT.**—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) **CRITICAL RESTORATION PROJECTS.**—

(1) **IN GENERAL.**—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) **AGREEMENT.**—The Secretary may carry out a critical restoration project after entering into

an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(3) **INDIAN PROJECTS.**—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) **COST SHARING.**—

(1) **ASSESSMENT.**—

(A) **FEDERAL SHARE.**—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) **PLAN.**—

(A) **FEDERAL SHARE.**—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) **NON-FEDERAL SHARE.**—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) **CRITICAL RESTORATION PROJECTS.**—

(A) **IN GENERAL.**—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed \$5,000,000 for any critical restoration project.

(C) **NON-FEDERAL SHARE.**—

(i) **IN GENERAL.**—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) **REQUIRED NON-FEDERAL CONTRIBUTIONS.**—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) **CREDIT.**—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

##### **SEC. 704. ADMINISTRATION.**

(a) **IN GENERAL.**—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the *Archaeological Resources Protection Act of 1979* (16 U.S.C. 470aa et seq.);

(C) the *Fish and Wildlife Coordination Act* (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the *Migratory Bird Treaty Act* (16 U.S.C. 703 et seq.);

(F) the *Endangered Species Act of 1973* (16 U.S.C. 1531 et seq.);

(G) the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001 et seq.);

(H) the *Federal Water Pollution Control Act* (33 U.S.C. 1251 et seq.);

(I) the *Safe Drinking Water Act* (42 U.S.C. 300f et seq.); and

(J) the *National Environmental Policy Act of 1969* (42 U.S.C. 4321 et seq.).

(b) *FEDERAL LIABILITY FOR DAMAGE*.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) *FLOOD CONTROL*.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701-1 et seq.).

#### SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title \$4,000,000 for each of fiscal years 2001 through 2005, \$5,000,000 for each of fiscal years 2006 through 2009, and \$10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

Mr. LOTT. I ask unanimous consent that the Senate disagree with the amendments of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. VOINOVICH, Mr. BAUCUS, and Mr. GRAHAM of Florida as conferees on the part of the Senate.

#### ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate now proceed to the conference report to accompany S. 835, the estuary bill; further, that the conference report be adopted, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The conference report will be printed in a future edition of the RECORD in the House proceedings.)

Mr. L. CHAFEE. Mr. President, I rise today in support of the conference report to S. 835, the Estuaries and Clean Waters Act of 2000.

During my year in the Senate, one of my top legislative priorities has been the enactment of my father's estuary habitat restoration partnership legislation, S. 835. This bill will promote the restoration of one million acres of estuary habitat by directing \$275 million in funding and other incentives to local estuarine restoration projects.

I congratulate the Members of the Senate Environment and Public Works

Committees, and in particular Chairman BOB SMITH, for their expertise, persistence and enthusiastic support for this important environmental bill. And, I am delighted that the Senate is approving this compromise version, and moving the Estuaries and Clean Waters Act one step closer to enactment this session.

Mr. President, my father was a champion of efforts to protect wetlands and estuarine areas, and he felt strongly that the federal government should do more to restore and safeguard these valuable habitats. He had a special devotion and appreciation for the salt marshes, coves and coastline of Narragansett Bay. Thus, in the fall of 1997, at Edgewood Yacht Club in Cranston, surrounded by supporters from Rhode Island's Save The Bay, Senator John H. Chafee announced introduction of his comprehensive legislation to protect and restore our nation's estuaries. That bill evolved into S. 835, the Estuary Habitat Restoration Partnership Act that he introduced in the Spring of last year. And, when we approve this legislation, we are carrying out the work that my father considered to be of utmost importance to the health of our fisheries, the quality of our waters, and the beauty of our great land.

Estuaries are where the river's current meets the sea's tide. These waterbodies are unique areas where life thrives. They are where the food chain begins, and many estuaries produce more harvestable human food per acre than the best mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, Whooping Cranes, manatees, salmon, otters, Bald Eagles, and sea turtles, all depend on estuaries for their survival. Estuaries provide the nursing grounds for our fisheries, support many of our endangered and threatened species and host nearly half of the neotropical migratory birds in the United States.

However, these productive areas are fragile, and vulnerable to human and environmental pressures. Today, burgeoning human populations in coastal areas are disrupting the balance and threatening the health of fragile estuary habitats. Activities such as dredging, draining, the construction of dams, uncontrolled sewage discharges, and other forms of pollution have all led to the degradation and destruction of estuary habitat. The bottom line is that we are not doing enough for these valuable resources. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

Like the many supporters of S. 835, I believe estuary legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our nation's coasts. Senator John H. Chafee used to say: "Given half a chance, nature will rebound and overcome tremendous setbacks, but we must—at the very least—give it that half a chance." The good news is that in many de-

graded coastal areas, nature will rebound if we simply reduce pollution, or return salt water, or replant eelgrass in the proper conditions.

This legislation will fuel efforts to restore one million acres of estuary habitat by emphasizing several aspects of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

S. 835 encourages voluntary activities nationwide by authorizing \$275 million over five years for estuary habitat restoration projects. Other provisions include the creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay and the Long Island Sound Estuary Programs and authorizing a program in the Lake Pontchartrain Basin to restore estuaries at the base of the Mississippi River.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 nationally-designated estuaries—including Narragansett Bay—could only use federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it nearly triples the authorization for the National Estuary Program from \$12 million to \$35 million per year for the next five years. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, state and federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, I have seen first-hand that restoration projects really work. In recent years, the Rhode Island Department of Environmental Management's Narragansett Bay Estuary Program; federal partners such as the Army Corps of Engineers, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration; Save the Bay and other conservation organizations; and local communities have joined forces to restore estuaries in and around Narragansett Bay.

By leveraging funding, equipment, volunteers and other resources, federal and non-federal partners have forged cooperative relationships to restore some of the Bay's most important estuarine environments. The Galilee Salt