

Again, I didn't intend to come to the floor this afternoon, but nor did I want to sit and listen to debate which suggests that the minority leader, or the Democratic caucus, or anybody else for that matter, is at fault for what is taking place.

As the Senator from West Virginia indicated, there is perhaps sufficient blame to go around. I don't disagree with that. But I also know that we didn't win the election. I wish we had. We don't control the Senate. I wish we did.

But between now and the date we finish in this session of Congress, let me encourage those who make schedules around here to heed the words of the minority leader, Senator DASCHLE. If we have a fair number of appropriations bills remaining and people are worrying about whether we are going to get them done, then what Senator DASCHLE suggests, and I firmly support, is to do one appropriations bill a day. Bring up a bill today. It is Monday. It is 3:30. Let's bring a bill up and debate it and stay here until it is done. That is a sure way of getting the bills done. It is a sure way of providing everybody with an opportunity to be heard. It is also a way perhaps to get the votes on the issues I described that I think this Congress ought to be doing.

I assume we will have an interesting debate in the coming days. I hope Congress will be able to finish its work in the next 2 or 3 weeks. I hope that when we finish our work Democrats and Republicans can together say at the conclusion of the 106th Congress that we have done something good for America. But that will not happen unless things change, and unless we take a different tact in the next 3 weeks. There is a list of about 8 or 10 pieces that we ought to do. Bring them to the floor. Let's get them done, and then let's adjourn sine die feeling we have done something good for our country.

I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Maine, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SMITH of New Hampshire. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 3:50 p.m. having arrived, the Senate will resume consideration of S. 2796, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2796) 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 other purposes.

The PRESIDING OFFICER. There will now be 1 hour for closing remarks.

Mr. SMITH of New Hampshire. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, this is the first major piece of environmental legislation debated on the floor since I assumed the chairmanship of this committee nearly 1 year ago. I am proud to bring the Water Resources Development Act before the Senate, of which a major portion is the Everglades which I will talk about in a moment.

This is a good bill. I am very proud of it. It is fiscally responsible. At the same time, it recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world—America's Everglades.

This bill gets us back on track toward regular biennial Water Resources Development Act bills. The committee produced a so-called WRDA bill last year, but that bill was 1 year late.

I am proud of the WRDA portion of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria on which we worked very closely. We evaluated the old criteria and put in new criteria. We scrupulously followed this criteria in an effort to not let projects make their way into this bill that did not belong there.

As I noted in my opening statement a few days ago, the committee received requests to authorize more than 300 new projects. By holding firm on our criteria in this WRDA bill, we only authorized 23 new projects. We authorize 40 feasibility studies, and the bill contains 65 project-related provisions or modifications that affect existing projects.

I remain very concerned about clearing the backlog of previously authorized projects that will not or should not be constructed. Along with Senator VOINOVICH, we are working very hard to clear that backlog. Called the deauthorization process, this will be an element of the committee's efforts to reform the Corps and to get those projects deauthorized that should not be there.

This bill tightens that process by shortening the length of time that an authorized project can stay on the books without actual funding. It is not the full answer, but it is a good answer, and it is a good beginning.

During floor consideration of the bill last week, we accepted an amendment that requires the National Academy of Sciences to perform two studies relating to independent peer review of the analyses performed by the Corps of Engineers.

I would like to make a few points about that amendment because it was

a very important amendment. We certainly have read a lot about Corps reform in the local newspapers, specifically the Washington Post, over the last few months. The stories raised very legitimate issues about the economic modeling used to justify some of these water resources projects.

However, it is important to understand that a series of articles in a newspaper is no substitute for careful consideration of the facts and of the issues by the Congress. We have the oversight responsibility for the Army Corps, not the Washington Post.

Some Senators, such as Senator FEINGOLD, have proposed reforms that focus on one element in the Corps reform—whether or not to impose a requirement that the feasibility reports for certain water resources projects be subject to peer review. Others, such as Senator DASCHLE, introduced more comprehensive bills that would examine a number of the Corps reform issues, including peer review.

The committee needs more information before we can proceed with any bill that would impose peer review on the lengthy project development process that is already in place. We need to know the benefits of peer review and its impacts before starting down that road.

Senator BAUCUS and I are committed to examining this issue and other issues related to the operation and management of the Corps of Engineers next year. This will include hearings on Corps reform.

The hearings will take comments on the NAS study—the National Academy of Sciences study—the bills that have been introduced, as well as the issue in general.

I was very encouraged that the nominee to be the next Chief of Engineers, General Flowers, is receptive to working with the Congress on a wide range of reform-related issues.

I want to speak specifically about one major element in this legislation, the Everglades. There is an important element that separates this WRDA bill from all others, something that makes this WRDA truly historic. This WRDA bill includes our landmark Everglades bill, S. 2797, the Restoring of the Everglades, an American Legacy Act, very carefully named because it is an American legacy. We do have to restore it. That is what we have done. We have begun the process.

So many have asked—especially some of my conservative friends—why should the Federal Government, why should this Congress take on this long-term expensive effort? The answers really are not that difficult, if you look at them.

First, the Everglades is in real trouble, deep trouble. We could lose what is left of the Everglades in this very generation.

Secondly, the Federal Government, despite the best of intentions, is largely responsible for the damage that was done to the Everglades. The Congress

told the Corps of Engineers to drain that swamp in 1948—and drain it they did, all too well.

Finally, the lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges which comprise half of the remaining Everglades—will receive the benefits of the restoration.

So there is a lot of Federal involvement here. This is a Federal responsibility. There is a compelling Federal interest. The State of Florida, to its credit, has already stepped up and committed \$2 billion to the effort. And Congress needs to respond to that pledge.

Let's be clear on one thing right now: This plan is not without risks. This comprehensive plan is based on the best science we have. Because of the very nature of the plan, and the additional requirements in the bill, we are certain we will know more about the Everglades and the success of the plan in the future.

To those of you who want guarantees, who want to be absolutely certain every dime we spend is going to be spent in a way that is going to restore the Everglades, then I say to you you probably should not support us because I cannot make that guarantee. But what I can say to you is, if we do nothing we lose the Everglades. So if you want to restore this precious national treasure, then you have to be willing to take the risk. And we are cutting that risk dramatically by the way we are doing this.

But we take risks all the time. We take risks every time we invest in a new weapons program for the Defense Department or when we invest in cancer research. I am sure there would be no Senator who would come to the floor and say: We have not yet found a cure for cancer; therefore, we should not risk any more money.

We need to take this risk to save this precious ecosystem. It is well worth it. We have cut the odds. Because of the nature of this plan, and the additional requirements in our bill, we are certain we are going to know much more about the Everglades in the future; and we are going to be able, through the process of adaptive management, to change every year or so. If something is not going right, we can pull back, try something new, so we do not waste a lot of dollars doing things that we do not want to do.

We acknowledge uncertainty. The plan acknowledges uncertainty. So when my colleagues come down and say there is some uncertainty about this, we know that. We anticipate that this plan will change as we gain more knowledge, while we implement it over the next 36 years.

This is a 36-year plan that is going to spend in the vicinity of \$8 billion, split equally between the State of Florida and the Federal Government. It works out to a can of Coke per U.S. citizen per year. That is not a bad investment to be able to save the wading birds and

the alligators and this precious river of grass of which we are all so proud.

I am confident, because of the time I have spent on this issue, that adaptive assessment or adaptive management—whatever you want to call it—will succeed, even if the plan is modified based on the new information that we get in the future.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in the Everglades restoration supports this bill—every one of them.

Is it perfect? Did everybody get exactly what they wanted? No. But everybody is on board. It is bipartisan and it is wide ranging. It goes from the liberal side of the equation to the conservative side. It includes the administration. It includes both Presidential candidates: Vice President GORE and Gov. George Bush. It includes the Florida Governor, Jeb Bush. It includes the Florida Legislature, both sides of the aisle unanimously. It includes the Seminole Tribe of Florida and the Miccosukee Tribe of Indians in Florida.

It includes major industry groups, such as the Florida Citrus Mutual, Florida Farm Bureau, Florida Home Builders, The American Water Works Association, Florida Chamber of Commerce, Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agricultural Association; and environmental groups as well, including the National Audubon Society, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, The Everglades Foundation, The Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club.

I think it is pretty unusual to bring a major environmental bill to the Senate floor with that breadth of support. Support for the bill, as it stands today, is even broader than the support that existed for the administration's comprehensive plan.

We have taken a good product and have made it better. How have we made it better? It is more fiscally responsible. We defer decisions on some of the riskiest new technologies until we have more information from the pilot projects, which will help us to understand whether these projects should be continued. It has ground-breaking provisions to assure that the plan attains its restoration goals. It has the creation of a true partnership between the Federal Government and the State. This type of partnership—State concurrence in all important decisions and regulations—has no precedent in our environmental statutes. It has more detailed and meaningful reports to Congress on the progress of the plan, almost on a yearly basis.

The Everglades bill is a great model for environmental policy development, a model I endorse, a model I have worked hard to implement since I have been the chairman. It is cooperative. It is not confrontational. It is bipartisan. It is flexible. It is adaptive. It establishes a partnership between the Federal Government and the State.

Already, there is support for this bill in the House. Congressman CLAY SHAW introduced this bill as H.R. 5121 on September 7. He deserves credit for his leadership in that regard. Many others in the House on both sides of the aisle are ready to join the effort. I am asking my colleagues to join with me in support of this major piece of legislation.

I see my colleague and good friend from the State of Florida, Senator GRAHAM, is on the floor at this time. I will yield the floor in just a moment so he may speak.

Before doing so, I thank him, as well as Senator MACK, for his absolute and resolute involvement in this project. I went to Florida in early January at the request of Senator GRAHAM and Senator MACK to see for myself what the situation was. I spent several days there. We had a hearing in Florida. We listened to the people who were speaking on this issue.

I made a promise at that hearing that I would bring this bill to the Senate floor before the end of the year. With the help of good people such as Senator BOB GRAHAM of Florida and Senator MACK, Senator BAUCUS, and others, we have made that happen. I thank Senator GRAHAM publicly and personally for that. His cooperation has been splendid. Without him, we would not be here.

I yield the floor so my colleague from Florida may have a chance to address this issue that is so important to his State and to the Nation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. I express my deepest appreciation and gratitude to Senator SMITH for the great leadership he has provided to the Environment and Public Works Committee in many areas but especially for what he has done for the Florida Everglades, America's Everglades.

Senator SMITH, shortly after he assumed the chairmanship of the committee, after the untimely death of our friend and colleague Senator Chafee, made one of his first acts as chairman of the committee coming to the American Everglades. He did not just come. He absorbed the American Everglades through a series of briefings, field visits, and then concluded with a very long hearing before the annual Everglades Conference.

At that hearing, Senator SMITH gave a forum to all the diverse points of view as to what should be appropriate national policy as it relates to America's Everglades. He gave comfort to the people there that these decisions were going to be made in a rational,

thoughtful manner. That contributed immeasurably to the bringing together of all of those groups behind the plan which is before us today. I take this opportunity to thank the Presiding Officer's neighbor from New Hampshire for the tremendous leadership he has given.

Earlier today I was listening to National Public Radio where there was some grousing about the fact that bipartisanship seems to be a lost component of the congressional process. It is not lost on the Senator from New Hampshire because he has displayed it at its very best. On behalf of Senator MACK, I express our appreciation for that fact.

The legislation before us today represents an unprecedented compromise by national and State environmental groups, agriculture and industry. These diverse interests are united in support of the Everglades restoration bill, title VI of the Water Resources Development Act of 2000. This is the legislation we will have the opportunity to pass through the Senate today.

I ask unanimous consent that a letter of support for this bill be printed in the RECORD. This letter carries with it the names of many of the groups just listed by Chairman SMITH.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2000.

AN OPEN LETTER ON RESTORATION OF  
AMERICA'S EVERGLADES

DEAR FLORIDA CONGRESSIONAL DELEGATION, CONGRESSIONAL LEADERSHIP, AND COMMITTEE LEADERSHIP: We are writing to urge Congress to take immediate and decisive action on a historic accord recently reached on legislation to protect one of the nation's most precious natural resources, America's Everglades. We present a diverse group of interests that includes conservation organizations, agricultural producers, homebuilders, water utilities, and others that don't always agree on Everglades issues. However, we are united with Florida's two Senators, the bipartisan leadership of the Senate Committee on Environmental and Public Works, the Clinton Administration, and Florida's Governor Jeb Bush to endorse a legislative package that will protect America's Everglades while respecting the needs of all water users in Florida.

This legislation, currently embodied in a manager's amendment to S. 2797 and recently introduced in the House by Congressman Clay Shaw, H.R. 5121, was agreed to as a package and on the condition that all parties would support it in the Senate and the House. We are greatly encouraged that an agreement has been reached on this basis.

This legislation can be a sound framework for future management of South Florida's water resources and Congress should approve its orderly implementation as soon as possible. We consider this legislation as currently drafted to be a fair and balanced plan to restore the Everglades while meeting the water-related needs of the region. While there are other changes we all would have preferred, we believe the long and difficult process has produced a reasonable compromise.

This agreement has brought an unprecedented level of support for Everglades' restoration legislation. The greatest threat now facing the Everglades is the profound lack of

time left in this Congressional session. We urge the Senate to pass expeditiously S. 2797, Restoration of the Everglades, An American Legacy Act. We further urge the Florida Congressional delegation, the Transportation and Infrastructure Committee, its Water Resources and Environment Subcommittee, and House Leadership to unite with the State, Administration, environmental organizations, and the agriculture, water utilities and homebuilders stakeholder coalition, to pass the bill in the House of Representatives and send it to the President for his signature before Congress adjourns for the November elections.

Sincerely,

Florida Citrus Mutual, Ken Keck; Florida Farm Bureau, Carl B. Loop, Jr.; Florida Home Builders, Keith Hetrick; 1000 Friends of Florida, Nathaniel Reed; Audubon of Florida, Stuart D. Strahl Ph.D.; Center for Marine Conservation, David Guggenheim.

The American Water Works Association, Florida Section Utility Council, Fred Rapach; Florida Chamber, Chuck Littlejohn; Florida Fruit and Vegetable Association, Mike Stuart; Southeast Florida Utility Council, Vernon Hargrave; Gulf Citrus Growers Association Association, Ron Hamel; Florida Sugar Can League, Phil Parsons; The Florida Water Environmental Association Utility Council, Fred Rapach; Sugar Cane Growers Cooperative of Florida, George Wedgworth; Florida Fertilizer and Agri-chemical Association, Mary Hartney.

Defenders of Wildlife, Rodger Schlickheisen; The Everglades Foundation, Mary Barley; The Everglades Trust, Tom Rumberger; National Audubon Society, Tom Adams; National Parks Conservation, Mary Munson; National Wildlife Federation, Malia Hale; World Wildlife Fund, Shannon Estenoz; Natural Resources Defense Council, Brad Sewell.

Mr. GRAHAM. Madam President, I ask unanimous consent that immediately following my remarks, a letter from the Environmental Protection Agency Administrator, Ms. Browner; Secretary of Interior, Mr. Babbitt; and Assistant Secretary for Civil Works, Mr. Westphal; expressing their support for this legislation also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See Exhibit 1.)

Mr. GRAHAM. The Everglades is sick. This sickness has been long coming.

It was approximately 120 years ago that man looked at the Everglades and realized that it was different, different than almost anything he or she had seen before, and seeing this phenomenon of the Everglades, made a commitment. The commitment was to turn the unique into the pedestrian by converting the Everglades into something that would look more like man and woman had seen in other areas of this country or other areas of the world.

The result of that has been 120 years of an effort to change the Everglades, to convert the singular into the common. The results of that 120 years have brought the Everglades to their current position. This cannot be cured

without the serious surgery that we are about to sanction by the passage of this legislation.

Since the passage of the central and south Florida flood control project in 1948, placing the Everglades in the responsibility of the Corps of Engineers at the direction of Congress, nearly half of the original Everglades have been drained or otherwise altered. According to the National Parks and Conservation Association, the parks and the preserves of the Everglades, of whichever Everglades National Park is the jewel, are among the 10 most endangered national parks in the country.

As Florida's Governor in 1983, I launched an effort known as "Save Our Everglades." Its purpose was to revitalize this precious ecosystem. The goal was simple. We wanted to turn back time. We wanted the Everglades to look and function more as they had at the end of the 19th century than they did in 1983.

In 1983, restoring the natural health and function of this precious system seemed to be a distant dream. But after 17 years of bipartisan progress in the context of a strong Federal-State partnership, we now stand on the brink of this dream becoming a reality.

I will speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage. If both partners respect each other and pledge to work through any challenges together, if they are willing to grow together, the marriage will be strong and successful.

Today, we are again celebrating the strength of that marriage. This legislation contains several provisions which were born out of the respect that sustains this marriage.

It offers assurances to both the Federal and the State governments on the use and distribution of water in the Everglades ecosystem.

It requires that State government pay half the costs of construction. It requires the Federal Government to pay half the costs of operation and maintenance. Everglades restoration cannot work unless the executive branch, Congress, and State government move forward together. The legislation before us today accomplishes that goal.

The legislation before us today represents not only unprecedented compromise and partnership but also unprecedented complexity. Just as the Panama Canal, which this Congress authorized almost a hundred years ago, was the first of its kind, so is Everglades restoration. It is the largest, most complex environmental restoration project not only in the history of the United States of America but in the history of the world.

The lessons we will learn here will be exported to other projects throughout America and throughout the world. I trust that today the Senate will make the right choice. Today will be the day the Senate has an opportunity to make

a bipartisan commitment to an Everglades restoration plan that reflects a true partnership between the State and Federal governments. If we accomplish the historic goal of restoring America's Everglades, then today will be one of the most precious memories of our children and grandchildren.

In the words of President Lyndon Johnson:

If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we have an opportunity to leave a glimpse of America's Everglades as they were when we first found them for future generations—beautiful, serene, a river of grass.

Madam President, we have commended a number of people who have worked hard to bring us to this day. I want to take this opportunity to commend members of the individual and committee staffs in the Senate who have played an immeasurable role in the success we will soon celebrate. Many people have worked with Senator SMITH, and I want to particularly recognize Chelsea Henderson, Tom Gibson, and Stephanie Daigle for their work on behalf of the American Everglades. With Senator BAUCUS, I thank Jo-Ellen Darcy and Peter Washburn. With Senator MACK, I thank C.K. Lee. And from my office, I thank Catherine Cyr, who has done work of negotiation that would do the most experienced diplomat honor.

So it is my hope we will grasp the opportunity that is before us and commence a long adventure—as long an adventure as is required to overturn 120 years of attempts to convert the Everglades into the common, so that we can leave to our children and grandchildren an American Everglades which salutes the highest standards of the words “unique,” “special,” and “unprecedented.” Those are the words that properly describe this marvelous system of nature.

Thank you.

#### EXHIBIT 1

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY,

Washington, DC, August 21, 2000.

Hon. ROBERT SMITH,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We strongly support your bill, S. 2797, “Restoring the Everglades, an American Legacy Act,” and recommend its passage by the Senate and House of Representatives as soon as possible. If enacted, this bill will help achieve the bipartisan goal of restoring a national treasure, America's Everglades.

S. 2797 is the product of hard work and negotiation among the Administration, the State of Florida and your Committee. Indeed, the proposed manager's amendment reflects full agreement between the Administration and the State of Florida on the bill. Accordingly, with adoption of the manager's amendment, we will recommend that the President sign the bill. The bill represents a highly effective approach for meeting essen-

tial restoration objectives while recognizing other issues important to the citizens of Florida.

We commend you, along with Senators Max Baucus, Bob Graham and Connie Mack, for your leadership and commitment to making Everglades legislation a top priority. We stand ready to do all we can to secure passage their year.

Sincerely,

BRUCE BABBITT,  
Secretary of the Interior.

CAROL BROWNER,  
Administrator, Environmental Protection Agency.

JOSEPH W. WESTPHAL,  
Assistant Secretary for Civil Works Department of the Army.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for his very kind remarks. I very much appreciate his hard work on behalf of the Everglades, which dates back prior to his time in the Senate, as we all know, when he was the Governor of Florida. Then-Governor GRAHAM was very instrumental in keeping this project on line.

I think it is also important to understand that the Founding Fathers were a lot more brilliant than we sometimes give them credit. In this process, I think they foresaw an opportunity where a Senator from a State such as New Hampshire, which has nothing to do with the Everglades, could be chairman of a committee that would bring forth a major piece of environmental legislation in conjunction with the Florida Senators—a piece of environmental legislation as to another State about 2,000 miles to the south. It is a remarkable process we have here that would see that happening. I think the founders knew it. That is why we have a Senate, where we can work these things through in a way that has a national touch.

As I went down there and saw the Everglades firsthand and had the opportunity to have a hearing with Senators GRAHAM and VOINOVICH, who was also there, I realized—and I had visited there many times as a tourist—that the Everglades was in fact draining, that some 90 percent of the wading birds were lost, and animals and plant life were dying. On the one hand, on one side of the Tamiami Trail you had a desert; on the other side you basically had the wetlands that it was supposed to be. But the Tamiami Trail is a dam that needs to be removed to allow that water to flow all through that ecosystem from Lake Okeechobee to the Gulf of Mexico. It is a great project.

People might say, What is the Senator from New Hampshire doing here? Well, I remember the first time my son saw an alligator in Florida as a 6-year-old boy. It was a very poignant moment, and you don't forget those things. In talking to the park rangers

over the years—and, most specifically, the last time I was there in January—you realize that the Everglades are in trouble. As I said earlier, there are no guarantees here, but I think we have cut the odds dramatically. I am very optimistic that this will work and work well. So I am certainly looking forward to the passage of this bill. I hope the House will quickly follow suit so that we can make this law before the end of the year.

I see Senator BAUCUS has arrived. I want to say before yielding to him how much I appreciate his help throughout this process. It has been a bipartisan effort. We are all guilty of partisanship from time to time, as well we should be; I think there are times when partisanship is important. But there was no partisanship on this issue. We worked together on it to bring this bill forward. Senator BAUCUS and his staff were very helpful, and we are grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I thank my good friend, Senator SMITH, for his comments.

I join him in urging my colleagues to support final passage of the legislation before us.

As we stated on the floor last week, this important bill authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. All very important matters across the country. These projects often don't get headlines or much attention, but they clearly mean a lot to many people.

Each of these projects meet our committee criteria. That is important, too, because the Environment and Public Works Committee gets lots of requests. The projects are technologically feasible, economically justified, and environmentally sound. In addition, each project has a local sponsor willing to share a portion of the cost, which is something we insist upon in order to show that the project is important locally.

Passage of this bill will advance two projects that are very important for my State of Montana—the fish hatchery at Fort Peck Lake and the exchange of cabin site leases in the C.M. Russell Wildlife Refuge.

The fish hatchery is particularly important since it will create more jobs and help our State's economy in northeastern Montana, a part of the State which is, frankly, hurting.

The cabin lease exchange provision will also benefit the government, sportsmen, and cabin site owners by acquiring inholdings that are within the refuge and that have high value for wildlife in return for cabin sites now managed by the Corps.

Finally, this bill will start us on the path to restoration of that unique national treasure known as the Everglades.

Last week we heard my colleagues from Florida, as well as the leaders of

the Environment and Public Works Committee elaborate on the importance of this effort. We all know how important it is. It is one of our natural treasures.

This provision is a testament to true bipartisanship. Senators GRAHAM and MACK have been at the forefront of this effort. Governor Jeb Bush and the Clinton administration, particularly Interior Secretary Bruce Babbitt, have also worked closely to achieve this result.

And, of course, it could not have happened without the support of Senator SMITH, our chairman, who put this issue at the top of the committee's agenda this year and has worked tirelessly throughout the year to make this bill happen, and Senator VOINOVICH, the subcommittee chairman. This has been an effort of his as well.

Without this bipartisan support in Washington, and throughout Florida, this project would not be where it is today. It would still be on the drawing board. And the Everglades would still be destined to die.

In conclusion, I want to assure our colleagues that this bill is the right thing to do. And it is worthy of their support.

Before yielding the floor, let me also mention some of the staff who deserve recognition for putting this bill together. I will submit a longer list for the RECORD.

But let me mention here my fine staff, particularly Jo-Ellen Darcy, who is sitting to my immediate left. Her expertise and experience in water issues has been a real asset to me and the committee.

I'll also tell you that she has become more familiar with the State of Florida than I think she ever imagined.

And Peter Washburn, who is sitting to Jo-Ellen's left, a fellow from EPA on the staff of the Environment Committee. He has provided invaluable assistance in shepherding this bill through the legislative process, and on many other issues before the committee.

Senator SMITH's staff, Chelsea Henderson, Stephanie Daigle, and Tom Gibson have similarly provided the leadership necessary to get this bill done. And Senator VOINOVICH's staff, Ellen Stein and Rich Worthington, were instrumental in negotiating this bill from the beginning.

Finally, staff from Senator GRAHAM's office, Catharine Cyr, and from Senator MACK's office, C.K. Lee, at times probably felt that they were on the staff of the committee for all the time they put into this effort.

All of us in the Senate, and all Floridians, should appreciate their dedication and hard work. They are people whose names aren't often mentioned. In fact, to be honest about it, they do most of the hard work. They are true servants in the best sense of the term because they are doing work for our country, yet do not seek to have their names in headlines.

I ask unanimous consent that a list of the many other people who deserve thanks for their part in making this bill a reality be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SENATE STAFF DESERVING THANKS

EPW Committee: Tom Sliter, David Conover, Tom Gibson, Chelsea Henderson, Stephanie Daigle, Peter Washburn, and Jo-Ellen Darcy.

Catherine Cyr with Senator Graham; C.K. Lee with Senator Mack; Ellen Stein with Senator Voinovich; Rich Worthington with Senator Voinovich; Kasey Gillette with Senator Graham; Ann Loomis with Senator Warner; and Janine Johnson and Darcie Tomasallo-Chen with Legislative Counsel.

Army WRDA or Everglades Participants: Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal; Michael Davis; Jim Smyth; Chip Smith; Earl Stockdale; Susan Bond; Larry Prather; Gary Campbell; Milton Rider; and Stu Appelbaum.

Department of the Interior CERP legislative team: Secretary Bruce Babbitt; Mary Doyle, Acting Assistant Secretary for Water and Science; Peter Umhofer, Senior Advisor; Don Jodrey, Attorney, Office of the Solicitor; David Watts, Attorney, Office of the Solicitor; and Dick Ring, Superintendent, Everglades National Park.

Environmental Protection Agency: Administrator Carol Browner; Gary Guzy; Bob Dreher; Jamie Grodsky; John Hankinson; Richard Harvey; Philip Mancusi-Ungaro; Eric Hughes; and Dana Minerva.

White House Council of Environmental Quality: Bill Leary.

#### STATE OF FLORIDA EVERGLADES TEAM

Florida Governors Office: Governor Jeb Bush, J. Allison DeFoor, R. Clarke Cooper, Rick Smith, and Nina Oviedo.

Florida Department of Environmental Protection: Secretary David B. Struhs, Ernie Barnett, Leslie Palmer, John Outland, and Jennifer Fitzwater.

South Florida Water Management District: Executive Director Frank Finch, Kathy Copeland, Mike Collins, Tom Teets, John Fumero, Elena Bernando, Paul Warner, Abe Cooper, and Cecile Ross.

South Florida Ecosystem Restoration Task Force: Rock Salt.

Mr. SMITH of New Hampshire. Madam President, since both Senator GRAHAM and Senator BAUCUS have both mentioned so many people to thank, we always run the risk of leaving someone out whenever we do that. With apologies to anyone that I do, I would like to reiterate and reinforce some of those who have already been thanked as well as perhaps a couple more.

I think first and foremost we should mention Senator John Chafee who certainly started the process of the efforts on the Everglades, along with Senator BAUCUS. I know that John Chafee would be very proud of this moment because he felt deeply about this ecosystem. I think it is a great honor to be here now and be at this point knowing that John Chafee would have wanted this. It is a great tribute to him because he started the process. All we did was jump into the harness that he had already put on the team.

I also thank Senator VOINOVICH, subcommittee chairman, because he brought a lot of debate on this issue.

He helped us correct many provisions—certainly on the financing end and the cost end. We look a lot more closely at projects because of him. He was certainly a stalwart in seeing that this was a more fiscally responsible item than perhaps it may have otherwise been.

Certainly Senator BAUCUS, who I already thanked, and Senators MACK and GRAHAM. As Senator BAUCUS correctly said, it seemed as if Senator MACK was on the committee. But that is the way we worked it. They are the two Senators. We worked with them. Senator GRAHAM, of course, is on the committee. But we worked together, knowing that we wanted all the input we could get from all of them.

The administration was helpful. Mary Doyle and Peter Umhofer at the Department of the Interior. And Secretary Babbitt who was here for a press conference when we announced and released the bill; Joe Westphal and Mike Davis from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida—they have been absolutely fantastic on both sides of the aisle: David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Governor Bush himself, who has just been outstanding in conversation after conversation, working together on all of the provisions of this bill; and Kathy Copeland from the South Florida Water Management District.

From Senator BOB GRAHAM's staff, Catharine Cyr Ranson and Kasey Gilletteand, have been wonderful. We appreciate all they have done.

Senator MACK's staff has already been mentioned by Senator BAUCUS. But I would also like to thank C.K. Lee, who was really the honorary member of the committee staff.

Senator VOINOVICH's staff: Ellen Stein, Rich Worthington; and, of course, Senator BAUCUS' staff: Tom Sliter, Jo-Ellen Darcy, and Peter Washburn, all worked together in a nonpartisan way. We tried to keep the doors open at all times.

Of course, my own staff, Dave Conover, who is the chief of staff on the committee; Ann Klee, Angie Giancarlo, and Chelsea Henderson, now Maxwell—she found time to get married after they got the Everglades set and ready to go. We let her get married and go on her honeymoon and come back to be here for the finale—and Stephanie Daigle and Tom Gibson, all brought a great blend of knowledge of the water issues and engineering, as well, to the whole debate.

Let me say in closing to my colleagues that when you look back on your career in the Senate, I think you can be very proud of what you did. When you cast a vote to save the Everglades, I don't know if you are ever going to regret it. I think it is going to be a defining moment. Fifty years from

now when the historians look back, they are going to say when it came time to stand up for the Everglades, they did. I think it will be one of the finest things that you have done in your careers. I certainly feel that way about mine. The only regret would be if we didn't try. We did try, and I believe we will succeed as a result of the fact that we took this risk.

Some have said it would be "bad politics,"—bad politics for the administration to work with the Republican Congress on an environmental issue; bad politics for Republicans to work with the administration with Florida as a "swing State"; that maybe Governor George Bush will get too much credit, or AL GORE, who has been closely associated with the Everglades, is going to get too much credit. There is enough credit to go around. Who cares.

The point is that most everyone in Florida—and I do not know too many on the other side who do not—supports restoring the Everglades. Let the credit fall where it may. Let the credit be taken where people want to take it. But the truth is we did the right thing. That is all that matters in the long run.

There is a lot of history here. Congress initiated this plan in WRDA in 1992 when George Bush was in office and the Democrats were in the majority. It then refocused the Everglades effort in WRDA in 1996 when the Republicans were in the majority and Bill Clinton was in the White House.

I think you see that there is plenty of evidence of bipartisan support.

Congress set up the process under which this comprehensive plan was developed, but it was developed by this administration in cooperation with Florida, with tribes, and all other stakeholders.

Florida, under Jeb Bush, stepped up to the plate and passed the legislation, along with the funding, to keep this moving forward even before the Federal Government made its commitment. Florida made its commitment to put their money up.

When I became chairman, as has already been said, I took up the mantle and made this a priority. I believe in it. I made this restoration of the Everglades my highest priority. I am very grateful that my colleagues felt the same way and joined with me because, obviously, we wouldn't be here if it was just my priority. It takes at least 51 Senators to have that priority as well or we wouldn't be here.

The Senate took the plan and made some important modifications, strengthened it, broadened the support; Senator VOINOVICH's input strengthened it.

We are poised to send the bill to the House, a bill that has the support of every major south Florida stakeholder, the State of Florida, the administration, and I think most Members of the Senate.

Restoration of the Everglades is not a partisan issue. I ask my colleagues, if

you have any doubts and you are worried about every single "i" being dotted and every "t" being crossed, take the risk. You will be glad you did. This is the right thing to do.

I am very excited about this action. I am very excited by the fact we have looked to the future. In politics, sometimes we look to the next election. This time, with this vote, we are going to look to the next generation and respond so our grandchildren and their children will enjoy alligators and wading birds and the river of grass once again—not only those who have had the chance to experience it now, but it will still be there for centuries to come because of what we did. I am proud of everyone for help in doing this.

#### EVERGLADES ECOSYSTEM

Mr. MACK. Madam President, I rise today to engage my colleague from Florida in a colloquy. Specifically, I want to clarify our understanding of the portion of the legislation we're considering today to restore, preserve and protect the Everglades ecosystem. My understanding is that the Comprehensive Everglades Restoration Plan authorized by this bill create a balance between state and federal interests in ensuring that the predicted Plan benefits—including benefits to both state and federal lands—are attained. It is my view that this bill is intended to recognize and maintain the State's interest in preserving the sovereignty, in State law, over the reservation and allocation of water within the State's boundaries. It is my further understanding that the Agreement called for between the President and the Governor of Florida will not result in a federalization of State water law. Florida water law requires that all reasonable beneficial water uses and natural system demands are subject to a public interest balancing test. Implementation of the Plan will rely upon State law and processes for reserving and allocating water for all users, according to the principles set out in the legislation before us. It is not the intent of this Act, or the President/Governor Agreement required by this Act, to create a procedure where all of the new water made available by the Plan will be allocated to the natural system leaving nothing for other water users. Rather, the agreement will simply ensure that water for the natural system is reserved first, and any remaining water may be allocated among other users according to the provisions of State water law. I yield to my colleague from Florida, Senator GRAHAM.

Mr. GRAHAM. Madam President, I would join my colleague from Florida, Mr. MACK in clarifying our understanding. I agree with his remarks, and make the further point that the Plan authorized by this bill will capture a large percentage of the water lost to tide or lost through evapotranspiration for use by both the built and natural systems, with the natural system having priority over the water generated by the Plan.

Mr. MACK. I appreciate the comments of my colleague and yield the floor.

#### SECTION 211, PROJECT DEAUTHORIZATION

Mr. WARNER. Madam President, Sec. 211 of the Water Resources Development Act of 2000 includes a provision to accelerate the process to deauthorize inactive civil works projects. I am concerned, however, that this provision will have unintended consequences for deep-draft navigation projects.

In 1986 the Congress authorized many port improvement projects after a 16-year deadlock with the Executive Branch. At that time, these projects were authorized according to the Report of the Chief of Engineers. Subsequently, with the concurrence of the non-Federal sponsor, elements of these major projects were constructed in phases. For example, in the case of the Norfolk Harbor and Channels Deepening Project, the project authorizes the deepening of the main channels to 55 feet, deepening anchorages to 55 feet and deepening secondary channels to 45 feet.

Significant progress has been made to deepen our nation's most active ports. These projects are critical to America's competitiveness in the global marketplace and to securing a favorable balance of trade. Like other major port navigation projects, construction under the Norfolk Harbor and Channels project has occurred in increments or phases. The outbound channel, anchorages and Southern Branch of the Elizabeth River have all been deepened under the current authorization. Work is underway to deepen the inbound channel to 50-feet, and the Commonwealth has fully funded this increment.

The remaining elements of the project are still vitally important and wholly supported by the Commonwealth of Virginia. The Port of Virginia is the second busiest general cargo port on the East Coast and the largest port in terms of total cargoes, which include bulk commodities such as coal and grain. The port complex consists of the Newport News Marine Terminal, Norfolk International Terminals, Portsmouth Marine Terminals, and the Virginia Inland Port.

In fiscal year 2000, over 12 million tons of containerized cargo moved through the ports. Virginia's general cargo facilities are responsible for more than \$800 million a year in commerce and tax revenue. Also, Hampton Roads ranks among the world's largest coal exporting ports—handling more than 50 tons annually. Virginia's ports are one of the few in this country capable of loading and unloading the new generation of container ships.

I am concerned that the provision in section 211 relating to separable elements in subsection (b)(2), will deauthorize the 55-foot phases of this project within 1 year. This section fails to recognize that it makes good economic sense, from the federal and state perspective, to construct these large projects in phases.

I would ask the Chairman if my understanding of this section is correct?

Mr. SMITH of New Hampshire. The Senator from Virginia, Mr. WARNER, is correct in his understanding of the potential impact of the provision. However, it is not my intent to deauthorize large navigation projects which enjoy strong state and federal support. The Committee has discussed this matter with the Corps of Engineers and we are aware that the provision may inadvertently capture a universe of active, ongoing projects. I can assure my colleague that we will work in conference to be sure that projects like the Norfolk Harbor and Channels project, as well as other critically important projects are not deauthorized as a result of this provision.

Mr. WARNER. I thank the Chairman and I look forward to working with him on this issue. I have offered two provisions to clarify the intent of this section to the Chairman. I am aware that the Assistant Secretary of the Army's office also has provided technical assistance on this matter. I trust that before we conference with the House of Representatives, we will have language recommended by the Corps to correct the scope of this section.

#### HOMESTEAD AIR FORCE BASE

Mr. MACK. Madam President, I rise today to call the Senate's attention to a provision of the bill before us expressing the sense of the Senate concerning Homestead Air Force Base in Florida. I want to take a moment of the Senate's time today to express my understanding of this resolution and my own intent in agreeing to its inclusion in the bill before us today.

As my colleagues are aware, this Air Force base is currently in the disposal process set forth by Congress when it established a fair and impartial system for closing military facilities around the country. Since Hurricane Andrew devastated the region in 1992, the citizens of South Florida have waited for a disposal decision from the federal government. It is anticipated the property could provide a stable economic platform for a community that is in need of jobs and economic development. Clearly, it is my intent that whatever use to which the property is ultimately put be accomplished in a manner that does not adversely impact the surrounding environment or the Everglades restoration plan we're considering today.

But let me be clear, Mr. President. It is emphatically not my intent that this resolution be read by the United States Air Force to mean they should add to, alter, or amend the existing process for disposing the property at Homestead Air Force Base. It is my strong view that the process for conveying surplus military property is clearly set forth in the law and that process should be followed until the final Supplemental Environmental Impact Statement on the property is completed and the Air Force disposes the property.

Mr. GRAHAM. Will the Senator yield?

Mr. MACK. Yes.

Mr. GRAHAM. I agree with the remarks by my colleague from Florida, and I would add that, in my view, the resolution makes clear that—once the conveyance process is complete—the Secretary of the Army should work closely with the parties to which the property is conveyed to ensure compatibility with the surrounding environment and the restoration plan. Further, the resolution requests the Secretary of the Army report to Congress in two years on any steps taken to ensure this compatibility and any recommendations for consideration by the Congress. While this is laudable, and has my full support, this resolution should not be read to mean the Air Force must add any new hurdles to the existing base closure and disposal process.

I notice my colleague, Senator INHOFE, on the floor. I would ask my colleague for his thoughts on the Homestead matter and ask him if it is his understanding that the base closure law clearly sets out the process for disposing surplus military facilities and that this resolution does not alter or amend that law?

Mr. INHOFE. I appreciate the comments of my colleagues from Florida. I have worked in the Armed Services Committee of the Senate to protect and defend the base closure and disposal process from political manipulation. I would agree that the resolution in the legislation before us today should not be read to mean the Air Force should delay its decision on the disposal of Homestead Air Force Base or otherwise alter its decision making process. The law is clear on how surplus military facilities in this country are disposed and it is my intent that this law be followed and adhered to by the Air Force. I note the presence on the floor of the distinguished chairman of the Armed Services Committee on the floor. I yield to Senator WARNER.

Mr. WARNER. I thank my colleague for his courtesy. I have listened carefully to the discussion between my colleagues. I would agree with the remarks of Senator INHOFE. The base closure process now in law should work its will in the case of Homestead Air Force Base according to the principles set forth in the law. No new layers of decision should be added as a result of the action we're taking here today.

Mr. BURNS. Madam President, I rise today in support of S. 2796, The Water Resources Development Act of 2000. I want to thank the Chairman of the Environment and Public Works Committee, Senator SMITH of New Hampshire, and my colleague from Montana, Senator BAUCUS for working with me to include two provisions in this year's bill.

Earlier this year, I introduced the Fort Peck Fish Hatchery Authorization Act of 2000. As you may know, the Fort Peck Reservoir is a very prominent feature of North Eastern Montana. The Fort Peck project was built

in the 1930s to dam the Upper Missouri River. The result was a massive reservoir that spans across my great state.

The original authorization legislation for the Fort Peck project, and subsequent revisions and additions, left a great many promises unmet. A valley was flooded, but originally Montana was promised increased irrigation, low-cost power, and economic development. Since the original legislation, numerous laws have been enacted promising increased recreational activities on the lake, and also that the federal government would do more to support the fish and wildlife resources in the area.

In this day and age, economic development in rural areas is becoming more and more dependent upon recreation and strong fish and wildlife numbers. The Fort Peck area is faced with a number of realities. First, the area is in dire need of a fish hatchery. The only hatchery in the region to support warm water species is found in Miles City, Montana. It is struggling to meet the needs of the fisheries in the area, yet it continues to fall short. Additionally, an outbreak of disease or failure in the infrastructure at the Miles City hatchery would leave the entire region reeling with no secondary source to support the area's fisheries.

We are also faced with the reality that despite the promises given, the State of Montana has had to foot the bill for fish hatchery operations in the area. Since about 1950 the State has been funding these operations with little to no support from the Corps of Engineers. A citizens group spanning the State of Montana finally decided to make the federal government keep its promises.

Last year the citizens group organized, and state legislation subsequently passed to authorize the sale of a warm water fishing stamp to begin collecting funds for the eventual operation and maintenance of the hatchery. I helped the group work with the Corps of Engineers to ensure that \$125,000 in last year's budget was allocated to a feasibility study for the project, and Montanans kept their end of the bargain by finding another \$125,000 to match the Corps expenditure. Clearly, we are putting our money, along with our sweat, where our mouth is.

Recreation is part of the local economy. But the buzzword today is diversity. Diversify your economy. The Fort Peck area depends almost solely on agriculture. More irrigated acres probably aren't going to help the area pull itself up by its boot straps. But a stronger recreational and tourism industry sure will help speed things up.

A lot of effort has already gone into this project. A state bill has been passed. The Corps has dedicated a project manager to the project. Citizens have raised money and jumped over more hurdles than I care to count. But the bottom line is that this is a great project with immense support. It is a good investment in the area, and it



helps the federal government fulfill one thing that it ought to—its promises.

Unfortunately, everything we wanted wasn't included in this legislation. As I originally drafted the legislation it ensured that the federal government would pick up part of the tab for operation and maintenance. Unfortunately, as Chairman SMITH and Senator BAUCUS worked out the details of the legislation for inclusion in the Water Resources Development Act, they were unable to support this provision. I had hoped that, as in the portion of this bill dealing with the Everglades, they would allow the federal government to pick up a larger portion of the operation and maintenance overhead.

Second, the legislation continues to include a section for power delivery that directs the Secretary of the Army to deliver low cost Pick-Sloan project power to the hatchery. This provision in the bill has raised the concerns of the local electric co-operatives and those that use Pick-Sloan power. I have worked with the Corps and the local interests to assure that this provision is not needed as drafted. I have discussed the need for changes with both the Chairman and Senator BAUCUS. I have secured a commitment from both of them to resolve this issue when the legislation goes to conference committee.

Despite this shortcoming with the legislation, I am have worked hard on the hatchery project and feel it is necessary that we must move ahead as it has been included. I thank the Committee for working with me to ensure the hatchery project was included on my behalf.

Another Montana specific provision, recently added to the legislation, allows the Corps of Engineers and the United States Fish and Wildlife Service to dispose of sites that are currently occupied by cabin leases and use the proceeds to purchase land in, or adjacent to, the Charles M. Russell National Wildlife Refuge that surrounds Fort Peck Reservoir. This provision is a classic example of a win-win situation that will help support recreation and wildlife habitat in the region. By selling these cabin sites, we are reducing government management considerations, offering stability to the cabin owners, and providing a revenue source to purchase inholdings. Senator BAUCUS and I have been working on this legislation for a few years, and to see it included in this legislation is a great accomplishment for both of us.

Mr. TORRICELLI. Madam President, I rise to address a provision included in WRDA that will help local communities in many parts of the nation deal with the burden they often face when the federal government undertake dredging projects in their region.

Before discussing the merits of this legislation, I want to first thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation. My colleagues have been remarkably helpful

in this matter, they have understood the need, and I am grateful that they have agreed to include it in the managers package.

Within WRDA there is a \$2 million annual authorization to allow the U.S. Army Corp of engineers to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

Beneficial reuse is a concept which has largely been largely underutilized. As a result, dredged material is often dumped on the shorelines of local communities to their disadvantage, instead of sold to construction companies and other developers who would be eager to have this material available. We have known about this strange and ironic, even tragic, situation for some time, yet until now, not enough has been done to bring relief to these communities.

The people of southern New Jersey are all too familiar with this situation. Current plans by the U.S. Army Corps call for more than 20 million cubic yards of material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Army corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects that would have otherwise been simply placed in upland sites.

From this experience, which is also happening in port projects in other parts of the country, we should learn that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Army corps to be thinking about ways to beneficially reuse dredged material up-front so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that local communities are treated fairly.

I would again like to thank chairman SMITH, Ranking Member BAUCUS, and Senator VOINOVICH for their commitment and attention to this important issue.

Mr. SMITH of Oregon. Madam President, I rise to express my support for S. 2796, the Water Resources Development Act of 2000. This bill, which authorizes numerous Army Corps of Engineers' programs throughout the Nation, is of vital importance to my state of Oregon.

Oregon has both coastal and inland ports that rely heavily on the technical

assistance provided by the Corps' programs for their continued operation. Dredging and flood control activities are also important to the economic vitality of Oregon. The Corps also operates a number of dams in the Columbia River basin and the Willamette River basin that generate clean hydroelectric power.

S. 2796 authorizes the study of several small aquatic ecosystem restoration projects in Oregon. It also designated the Willamette River basin, Oregon, as a priority watershed for a water resource needs assessment.

I would like to express my deep concerns about one provision in the bill, however. It has come to my attention that Section 207 of the bill, which is worded very innocuously, would allow for contracting out of operations and maintenance activities at Federal hydropower facilities. The dedicated men and women, many of whom are my constituents, who currently provide operations and maintenance at Corps' hydropower facilities in the Pacific Northwest are professionals of the highest order. Any problems related to the operations and maintenance at hydropower facilities on the Columbia River are the result of the Corps' failure to sign a direct funding agreement with the Bonneville Power Administration for almost 7 years after being authorized to do so.

As the Water Resources Development Act moves to conference, I urge that this provision be deleted from the bill, as it already has been in the House version.

Mr. ABRAHAM. Madam President, I rise today to offer my thanks to Senator SMITH, the chairman of the Environment Committee and commend him for his successful effort to pass the Water Resources Development Act of 2000.

Included in this legislation is language I crafted with Representatives EHLERS and CAMP to further clarify the extent of the Great Lakes Governors' authority over diversions of Great Lakes water to locations outside the basin. This amendment makes clear that both diversions of water for use within the U.S. and exports of water to locations outside the U.S. may occur only with the consent of all eight Great Lakes governors. Questions over the definition of "diversion" made this clarification necessary.

Almost as important, this amendment demonstrates that it is the intent of the Congress that the states work cooperatively with the Provinces of Ontario and Quebec to develop common standards for conservation of Great Lakes water and mechanisms for withdrawals. Such cooperation is crucial if we are to have equal and effective programs for conserving these waters and maintaining the health of the Great Lakes.

In closing, let me state that I regret that my colleague, the senior Senator from Michigan did not join me in this effort. We share differing opinions over



the need for clarification of the 1986 act. And while I disagreed with his interpretation of the definition of "bulk fresh water," because diversions of water for use within the U.S. are already distinctly covered in the 1986 act, I nevertheless modified the amendment at his request, and I share his commitment to protecting the tremendous resources for future generations.

Mr. MACK. Madam President, I will only take a moment of the Senate's time today—prior to the vote on the Water Resources Development Act—to acknowledge the importance of this moment and the action the Senate will take today to restore and preserve America's Everglades.

My colleague, Senator GRAHAM, and I have worked for eight years to bring this bill to the floor and it gives me great satisfaction that today it will be approved by the Senate.

I want especially to thank Chairman SMITH for his dedication to this effort over the past few months. He has worked side-by-side with us to develop the consensus product we're voting on today. As we developed this legislation, he and his staff provided valuable input into the process and we appreciate the long hours they put in on our behalf.

Further, I want to—once again—acknowledge my colleague, Senator GRAHAM. He has worked on Everglades issues for years—even prior to his time in the Senate—and it has been a pleasure to work with him over the years as we worked on the legislation before us.

The Corps of Engineers, the Department of Interior, and the Council on Environmental Quality have worked long hours to turn this bill into reality. I appreciate the support of these agencies throughout the process and for the proof—once again—that saving the Everglades is not a partisan issue.

And finally, I want to acknowledge the hard work and steadfast support of Governor Bush. The State of Florida is a full partner with us in this restoration effort, and I believe the work we've put in together in writing this bill bodes well for a lasting partnership on behalf of the Everglades.

The Everglades is an American treasure. Today we in the Senate will take a major step forward in passing a restoration plan that is rooted in good science, common sense, and consensus. I thank everyone who participated in this process for their hard work and dedication to the effort.

Mr. DASCHLE. Madam President, I am pleased that the Senate is poised to pass the Water Resources Development Act of 2000 (WRDA). This legislation includes critical provisions to restore the Florida Everglades and the Missouri River in South Dakota and I am hopeful that it will be enacted this year.

Among the provisions of WRDA that will most benefit South Dakota is a section incorporating elements of S. 2291, the Missouri River Restoration Act. I introduced this legislation last May to address the siltation of the Missouri River in South Dakota and the

threat to Indian cultural and historic sites that border the river. The WRDA bill under consideration today takes an important first step to address these problems, and I want to thank all of my colleagues for their help to secure the passage of this legislation. In particular, Senator JOHNSON, Senator BAUCUS, Senator SMITH of New Hampshire and Senator VOINOVICH deserve praise for their efforts to incorporate this legislation into the larger bill. It is my hope that Congress will adopt the remaining elements of my comprehensive proposal to restore the Missouri River, including the creation of a Missouri River Trust Fund, in the foreseeable future.

The need for this legislation stems from the construction of a series of federal dams along the Missouri River in the 1950s and 1960s that forever changed its flow. For decades, these dams have provided affordable electricity for millions of Americans and prevented billions of dollars of damage to downstream states by preventing flooding. They have also created an economically important recreation industry in South Dakota.

However, one of the consequences of the dams is that they have virtually eliminated the ability of the Missouri River to carry sediment downstream. Before the dams, the Missouri was known as the Big Muddy because of the heavy sediment load it carried. Today, that sediment is deposited on the river bottom in South Dakota, and significant build-ups have occurred where tributaries like the Bad River, White River and Niobrara River empty into the Missouri.

The Bad River, for example, deposits millions of tons of silt into the Missouri River each year. This sediment builds up near the cities of Pierre and Ft. Pierre, where it has raised the local water table and flooded area homes. Already, Congress has had to authorize a \$35 million project to relocate hundreds of families. To prevent more serious flooding, the Corps has had to lower releases from the Oahe dam, causing a \$12 million annual loss due to restricted power generation.

Farther south, near the city of Springfield, sediment from the Niobrara River clogs the Missouri's channel for miles. Boats that used to sail from Yankton to Springfield can no longer navigate the channel, eroding the area's economy. This problem will only grow worse. According to the Corps of Engineers, in less than 75 years Lewis and Clark lake will fill entirely with sediment, ending the ability of that reservoir to provide flood control and seriously threatening the economies of cities like Yankton and Vermillion.

In addition to the impact of sediment on flood control, over 3000 cultural and historic sites important to Indian tribes, including burial grounds, campsites, and ancient villages, are found along the Missouri River in the Dakotas. Many of these sites are threatened

by erosion, and each year some of them are irretrievably lost as they tumble into the river. Critical points of the Lewis and Clark trail also follow the Missouri through South Dakota, and they are threatened by erosion as well.

The elements of the Missouri River Restoration Act included in WRDA today address these problems by establishing a Missouri River Task Force composed of federal officials, representatives of the State of South Dakota and area Indian tribes. It will be responsible for developing and implementing a Missouri River Restoration Program to reduce sedimentation and protect cultural and historic sites along the river.

I would like to take a few minutes to explain in detail how this process will work. First, the bill establishes a 25-member Missouri River Trust. Appointments will be made to the Trust by the Secretary of the Army. These appointments must be in accordance with the recommendations of the Governor of South Dakota and area Indian tribes to ensure that there is a strong local voice on the Trust. Second, the bill establishes a Missouri River Task Force, chaired by the Secretary of the Army and including representatives of the Department of Interior, Department of Energy and Department of Agriculture. It also includes the Missouri River Trust.

Once funding for this legislation becomes available, the U.S. Army Corps of Engineers will prepare an assessment of the Missouri River watershed in South Dakota that reviews the impact of siltation on the river, including its impact on a variety of issues: the Federal, State and regional economies; recreation; hydropower; fish and wildlife; and flood control. Based upon this assessment and other pertinent information, the Task Force will develop a plan to improve conservation in the Missouri River watershed; control and remove sediment from the Missouri River; protect recreation on the Missouri from sedimentation; protect Indian and non-Indian cultural and historic sites from erosion; and improve erosion control along the river.

Once this plan is approved by the Task Force, the Task Force will review proposals from local, state, federal and other entities to meet the goals of the plan and recommend to the Secretary of the Army which of these proposals to carry out. It is the intention of this legislation that the Corps contract with, or provide grants to, other agencies and local entities to carry out these projects. To the extent possible, the Secretary should ensure that approximately 30 percent of the funds used to carry out these projects are spent on projects within Indian reservations or administered by Indian tribes. The bill authorizes a total of \$4 million per year for the next 10 years to carry out these goals.

While the Task Force will have the flexibility it needs to take appropriate actions to restore the Missouri River,

it is my expectation that a significant effort will be made to improve conservation in the Missouri River watershed. Pilot projects have shown already that the amount of sediment flowing into the Missouri's tributaries can be reduced by as much as 50 percent with appropriate conservation practices. If requested, the Task Force will also have the authority to work with farmers across the river in Nebraska, for example, to reduce the amount of sediment flowing in from the Niobrara River.

The conceptual underpinnings of this legislation were developed through numerous public discussions that I have held in South Dakota over the last year. Last January, I held a Missouri River Summit in the town of Springfield with Governor Janklow, Lower Brule Sioux Tribe Chairman Mike Jandreau, and other experts to discuss how to address these critical problems. In April, Governor Janklow and I held a hearing in Pierre to gather public comment about proposals to restore the river.

I have been pleased by the outpouring of support I have seen for efforts to restore the river. Dozens of communities such as Yankton, Chamberlain, Springfield, Wagner, Pickstown, Mitchell and others have passed resolutions in support river restoration. American Rivers, a national leader in river protection, has recognized this need as well. The legislation passed today takes the first important step we need to take to get this job done. I'd like to thank all those in South Dakota who contributed to this process, and my colleagues in the Senate for all of their support. I look forward to our continued work together.

Finally, the WRDA bill includes an amendment to the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. This amendment requires the Corps of Engineers to meet its legal responsibilities to identify and stabilize Indian cultural sites, clean up open dumps, and mitigate wildlife habitat along the river. It also makes important technical changes to that law that will help ensure its smooth implementation. It is my hope that the Corps of Engineers will respond by working closely with the tribes and the state to clean up those lands, stabilize Indian cultural sites, and transfer the lands along the river to the tribes and state in a timely manner.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, in a few minutes we will vote on final passage of the Water Resources Development Act of 2000. The bill is a product of months of hard work by the Committee on Environment and Public Works and the Subcommittee on Transportation and Infrastructure. I thank those Senators and staff members whose efforts have brought us where we are today.

First, I thank Ellen Stein, Rich Worthington, and Karen Bachman of my staff for their dedicated effort on this bill. The number of hours they put in on this is unbelievable.

I also thank my chairman, BOB SMITH, and his staff for all their efforts in making this bill a reality, particularly in the very difficult negotiations on the Comprehensive Everglades Restoration Plan.

My thanks to staff director Dave Conover, Tom Gibson, Stephanie Daigle, and Chelsea Henderson Maxwell for all the hard work they put in on this piece of legislation.

As most successful bills in the Senate—and I am learning this pretty quickly as a new Member of the Senate—ours has been a product of bipartisanship. Senator MAX BAUCUS and his staff, in putting this bill together, have put in long hours. I recognize the efforts of minority staff director Tom Sliter, Jo-Ellen Darcy, and Peter Washburn for the good work they did in putting this legislation together.

I also acknowledge the work of Senator BOB GRAHAM and Senator CONNIE MACK and their staff in helping to forge a consensus on the Comprehensive Everglades Restoration Plan. I suspect they looked at some of the things I was involved in as maybe getting in the way and holding things up, but I want them and their staff to know we were conscientiously trying to make this something we could all be proud of and get the support of the Senate. I particularly thank C.K. Lee of Senator MACK's staff and Catherine Cyr Ranson of Senator GRAHAM's staff for their work.

We know the essential role of the Senate Legislative Counsel's Office in helping to draft legislation. I thank Janine Johnson for her invaluable help. Again, I think so often we take for granted the terrific work these folks do in putting these bills together.

Further, any water resources development bill involves the evaluations of hundreds of projects and proposals. We depend on the Corps of Engineers in supplying information and expertise in this process. Larry Prather and his staff at the Legislative Management Branch at the Corps have provided invaluable assistance to the Committee on Environment and Public Works and to this Senator. I give them the recognition they deserve.

As I stated in my opening remarks, when we began debate on this legislation, I am proud of the work our committee and subcommittee have accomplished in putting together this bill. This is a disciplined bill that maintains the committee's commitment to the principles of high standards of engineering, economic, and environmental analysis, and adherence to cost-sharing principles and resistance to mission creep.

This has not been an easy process, and we have not always agreed on the content of the legislation. But this effort has been marked throughout by

cooperation and compromise. To me, this was highlighted dramatically in the negotiation over the bill's discussion of the relationship between Homestead Air Force Base and Everglades restoration. I particularly thank the environmental groups—specifically, the National Resource Defense Council and the Sierra Club—for their critical roles in this effort.

All in all, I think this is a well-balanced bill that provides authorization to a number of needed water development projects across this Nation. I urge my colleagues to support this legislation.

I yield the floor.

AMENDMENT NO. 4188

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment currently at the desk be agreed to. This amendment has been agreed to by the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4188) was agreed to, as follows:

AMENDMENT NO. 4188

(Purpose: To express the sense of the Congress with respect to U.S.-Canadian cooperation on development of conservation standards embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin, and for other purposes)

At the appropriate place, insert the following:

**SEC. . EXPORT OF WATER FROM GREAT LAKES.**

(a) ADDITIONAL FINDING. Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER. Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by

- (1) inserting or exported after diverted; and
- (2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS. It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

Mr. LEVIN. Madam President, we have before the Senate the Water Resources Development Act of 2000. I had great concern with the amendment offered last week by Senator ABRAHAM because the amendment sought to define terms which could have resulted in

increased domestic diversion of Great Lakes water. This amendment, which was accepted as part of the manager's package until I asked that it be removed, could have led to the opposite of what we need for the Great Lakes. Specially, the amendment as accepted by the managers last week defined bulk fresh water as "fresh water extracted in amounts intended for transportation outside the United States by commercial vessel or similar form of mass transportation, without further processing." This definition could have been interpreted as allowing more diversion of Great Lakes water within the United States. This threat to the Great Lakes was unacceptable and I would have strongly opposed the amendment with that definition.

I still have reservations about the amendment because some might try to use it to argue that the current protections against diversions of Great Lakes water provided by existing law are not sufficient. We currently have an effective veto over bulk removals of Great Lakes water outside of the Great Lakes basin. When we passed WRDA in 1986, we acted to make sure that each Great Lakes governor would have a veto over such removals. This protection is legally sufficient and we should do nothing to imply otherwise.

If the states formally adopt a conservation strategy and standards, and the governors are currently working on those standards, such standards might provide an additional safeguard to strengthen our position that our current gubernatorial veto policy over bulk removals of Great Lakes water is consistent with the rules of international trade. This conservation strategy and standards might also provide additional protection against removals from the basin. But I favor seeking that additional strength for our position in a way which has no possible implication that it is necessary. While this amendment falls short in this regard, once offered, it would be worse if it were not adopted so I will not object to it.

Mr. SMITH of New Hampshire. I yield the remainder of time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the leader. First of all, there are no two people I respect more than the two Senators from Florida. They certainly have done a very good job on the Everglades portion of the bill.

However, I have to get on record. I will oppose the bill because of these elements that have been introduced. This is of great concern to me. Looking at the fiscal end, I see four reasons we should not have this on the bill. First of all, if we do this, and we have already done it—and on the Everglades portion I pleaded with everyone it should have been a stand-alone bill because it is too big to be incorporated into this resources bill—this will be the first time we have actually had

projects without first having the Chief of the Corps of Engineers give a report. That has been something we have said is necessary.

Second, we are looking at questionable technology. Everyone has admitted this. Certainly, the chairman of the committee, the distinguished Senator from New Hampshire, was very honest about it and straightforward. He said he felt strongly enough about it that we will have to try some things that perhaps have not been proven. This is unprecedented.

Third, the amount of money we are talking about is open ended. We say this will be \$7.8 billion in 38 years. But when we first started Medicare, approximately the same length of time ago, they said it would cost \$3.4 billion, and this year it is \$232 billion.

A major concern I have is changing a precedent that has been there for 16 years; that is, that the operation and maintenance costs should come from the States. Now we are absorbing those costs, or at least 50 percent of those costs, operation and maintenance, by the Federal Government.

I think we are opening up something here. Yes, it is popular. There is a big constituency. It is open ended. It could end up costing us a tremendous amount of money.

I wanted a chance, Madam President, to explain why I have to vote against this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. SMITH of New Hampshire. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH) the Senator from Washington (Mr. GORTON), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) the Senator from California (Mr. MILLER), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 85, nays 1, as follows:

[Rollcall Vote No. 255 Leg.]

#### YEAS—85

Abraham	Edwards	Mack
Allard	Feingold	Mikulski
Ashcroft	Fitzgerald	Moynihan
Baucus	Frist	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

#### NAYS—1

Inhofe

#### NOT VOTING—14

Akaka	Jeffords	Miller
Bingaman	Lautenberg	Schumer
Enzi	Lieberman	Smith (OR)
Feinstein	McCain	Thomas
Gorton	McConnell	

The bill (S. 2796), as amended, was passed, as follows:

#### S. 2796

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.

Sec. 102. Small shore protection projects.

Sec. 103. Small navigation projects.

Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.

Sec. 105. Small bank stabilization projects.

Sec. 106. Small flood control projects.

Sec. 107. Small projects for improvement of the quality of the environment.

Sec. 108. Beneficial uses of dredged material.

Sec. 109. Small aquatic ecosystem restoration projects.

Sec. 110. Flood mitigation and riverine restoration.

Sec. 111. Disposal of dredged material on beaches.

#### TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.

Sec. 202. Watershed and river basin assessments.

Sec. 203. Tribal partnership program.

Sec. 204. Ability to pay.

Sec. 205. Property protection program.

Sec. 206. National Recreation Reservation Service.

Sec. 207. Operation and maintenance of hydroelectric facilities.

Sec. 208. Interagency and international support.

Sec. 209. Reburial and conveyance authority.

- Sec. 210. Approval of construction of dams and dikes.
- Sec. 211. Project deauthorization authority.
- Sec. 212. Floodplain management requirements.
- Sec. 213. Environmental dredging.
- Sec. 214. Regulatory analysis and management systems data.
- Sec. 215. Performance of specialized or technical services.
- Sec. 216. Hydroelectric power project funding.
- Sec. 217. Assistance programs.
- Sec. 218. Funding to process permits.
- Sec. 219. Program to market dredged material.
- Sec. 220. National Academy of Sciences studies.

#### TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
- Sec. 302. Boydsville, Arkansas.
- Sec. 303. White River Basin, Arkansas and Missouri.
- Sec. 304. Petaluma, California.
- Sec. 305. Gasparilla and Estero Islands, Florida.
- Sec. 306. Illinois River basin restoration, Illinois.
- Sec. 307. Upper Des Plaines River and tributaries, Illinois.
- Sec. 308. Atchafalaya Basin, Louisiana.
- Sec. 309. Red River Waterway, Louisiana.
- Sec. 310. Narraguagus River, Milbridge, Maine.
- Sec. 311. William Jennings Randolph Lake, Maryland.
- Sec. 312. Breckenridge, Minnesota.
- Sec. 313. Missouri River Valley, Missouri.
- Sec. 314. New Madrid County, Missouri.
- Sec. 315. Pemiscot County Harbor, Missouri.
- Sec. 316. Pike County, Missouri.
- Sec. 317. Fort Peck fish hatchery, Montana.
- Sec. 318. Sagamore Creek, New Hampshire.
- Sec. 319. Passaic River Basin flood management, New Jersey.
- Sec. 320. Rockaway Inlet to Norton Point, New York.
- Sec. 321. John Day Pool, Oregon and Washington.
- Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
- Sec. 323. Charleston Harbor, South Carolina.
- Sec. 324. Savannah River, South Carolina.
- Sec. 325. Houston-Galveston Navigation Channels, Texas.
- Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
- Sec. 327. Lake Champlain watershed, Vermont and New York.
- Sec. 328. Mount St. Helens, Washington.
- Sec. 329. Puget Sound and adjacent waters restoration, Washington.
- Sec. 330. Fox River System, Wisconsin.
- Sec. 331. Chesapeake Bay oyster restoration.
- Sec. 332. Great Lakes dredging levels adjustment.
- Sec. 333. Great Lakes fishery and ecosystem restoration.
- Sec. 334. Great Lakes remedial action plans and sediment remediation.
- Sec. 335. Great Lakes tributary model.
- Sec. 336. Treatment of dredged material from Long Island Sound.
- Sec. 337. New England water resources and ecosystem restoration.
- Sec. 338. Project deauthorizations.
- Sec. 339. Bogue Banks, Carteret County, North Carolina.

#### TITLE IV—STUDIES

- Sec. 401. Baldwin County, Alabama.
- Sec. 402. Bono, Arkansas.
- Sec. 403. Cache Creek Basin, California.
- Sec. 404. Estudillo Canal watershed, California.

- Sec. 405. Laguna Creek watershed, California.
- Sec. 406. Oceanside, California.
- Sec. 407. San Jacinto watershed, California.
- Sec. 408. Choctawhatchee River, Florida.
- Sec. 409. Egmont Key, Florida.
- Sec. 410. Fernandina Harbor, Florida.
- Sec. 411. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
- Sec. 412. Boise River, Idaho.
- Sec. 413. Wood River, Idaho.
- Sec. 414. Chicago, Illinois.
- Sec. 415. Boeuf and Black, Louisiana.
- Sec. 416. Port of Iberia, Louisiana.
- Sec. 417. South Louisiana.
- Sec. 418. St. John the Baptist Parish, Louisiana.
- Sec. 419. Portland Harbor, Maine.
- Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
- Sec. 421. Searsport Harbor, Maine.
- Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
- Sec. 423. Port of Gulfport, Mississippi.
- Sec. 424. Upland disposal sites in New Hampshire.
- Sec. 425. Southwest Valley, Albuquerque, New Mexico.
- Sec. 426. Cuyahoga River, Ohio.
- Sec. 427. Duck Creek Watershed, Ohio.
- Sec. 428. Fremont, Ohio.
- Sec. 429. Grand Lake, Oklahoma.
- Sec. 430. Dredged material disposal site, Rhode Island.
- Sec. 431. Chickamauga Lock and Dam, Tennessee.
- Sec. 432. Germantown, Tennessee.
- Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
- Sec. 434. Cedar Bayou, Texas.
- Sec. 435. Houston Ship Channel, Texas.
- Sec. 436. San Antonio Channel, Texas.
- Sec. 437. Vermont dams remediation.
- Sec. 438. White River watershed below Mud Mountain Dam, Washington.
- Sec. 439. Willapa Bay, Washington.
- Sec. 440. Upper Mississippi River basin sediment and nutrient study.
- Sec. 441. Cliff Walk in Newport, Rhode Island.
- Sec. 442. Quonset Point Channel reconnaissance study.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Visitors centers.
- Sec. 502. CALFED Bay-Delta Program assistance, California.
- Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
- Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
- Sec. 505. Land conveyance, Candy Lake, Oklahoma.
- Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
- Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.
- Sec. 508. Export of water from Great Lakes.

#### TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

- Sec. 601. Comprehensive Everglades Restoration Plan.
- Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

#### TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

- Sec. 701. Short title.
- Sec. 702. Findings and purposes.
- Sec. 703. Definitions.
- Sec. 704. Missouri River Trust.
- Sec. 705. Missouri River Task Force.
- Sec. 706. Administration.
- Sec. 707. Authorization of appropriations.

#### TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

- Sec. 801. Short title.
- Sec. 802. Purpose.
- Sec. 803. Definitions.
- Sec. 804. Conveyance of cabin sites.
- Sec. 805. Rights of nonparticipating lessees.
- Sec. 806. Conveyance to third parties.
- Sec. 807. Use of proceeds.
- Sec. 808. Administrative costs.
- Sec. 809. Termination of wildlife designation.
- Sec. 810. Authorization of appropriations.

#### TITLE IX—MISSOURI RIVER RESTORATION

- Sec. 901. Short title.
- Sec. 902. Findings and purposes.
- Sec. 903. Definitions.
- Sec. 904. Missouri River Trust.
- Sec. 905. Missouri River Task Force.
- Sec. 906. Administration.
- Sec. 907. 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 AUTHORIZATIONS.

(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 shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, 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, and at an estimated average annual cost of \$1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,138,000 and an estimated annual non-Federal cost of \$613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of \$1,781,234,000, with an estimated Federal cost of \$743,954,000 and an estimated non-Federal cost of \$1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 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, ARIZONA.—The project for flood damage reduction, Rio de Flag, 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 for environmental 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) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of \$90,865,000, with an estimated Federal cost of \$25,555,000 and an estimated non-Federal cost of \$65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of \$34,000,000, with an estimated Federal cost of \$22,000,000 and an estimated non-Federal cost of \$12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of \$18,100,000, with an estimated Federal cost of \$11,800,000 and an estimated non-Federal cost of \$6,300,000.

(9) SANTA BARBARA STREAMS, 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.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, 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.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater 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.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, 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, and at an estimated average annual cost of \$920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$460,000 and an estimated annual non-Federal cost of \$460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, 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.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, 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.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of \$175,500,000. 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.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of \$550,000,000, with an estimated Federal cost of \$358,000,000 and an estimated non-Federal cost of \$192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work

is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of \$67,700,000, with an estimated Federal cost of \$44,000,000 and an estimated non-Federal cost of \$23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, 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, and at an estimated average annual cost of \$2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,234,000 and an estimated annual non-Federal cost of \$1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, 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.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental 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.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, 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.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

#### SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

#### SEC. 103. SMALL NAVIGATION PROJECTS.

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) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

#### SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERWAYS.

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 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

#### SEC. 105. SMALL BANK STABILIZATION PROJECTS.

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) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaisses (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

#### SEC. 106. SMALL FLOOD CONTROL PROJECTS.

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) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Paillet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephenville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

#### SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

#### SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

#### SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

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

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

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

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

#### SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

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

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(24) Perry Creek, Iowa.”.

#### SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

“(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).”.

#### TITLE II—GENERAL PROVISIONS

##### SEC. 201. COOPERATION AGREEMENTS WITH COUNTRIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—

(1) by striking “State legislative”; and

(2) by inserting before the period at the end the following: “of the State or a body politic of the State”.

##### SEC. 202. 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 river basins and watersheds of the United States, including needs relating to—

“(1) ecosystem protection and restoration;

“(2) flood damage reduction;

“(3) navigation and ports;

“(4) watershed protection;

“(5) water supply; and

“(6) drought preparedness.

“(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;  
 "(2) the Secretary of Agriculture;  
 "(3) the Secretary of Commerce;  
 "(4) the Administrator of the Environmental Protection Agency; and  
 "(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

"(1) the Delaware River basin; and  
 "(2) the Willamette River basin, Oregon.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

"(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

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

#### SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2002 through 2006, of which not more than \$1,000,000 may be used with respect to any 1 Indian tribe.

#### SEC. 204. 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 a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—

"(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

"(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

"(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

"(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.";

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding "and" at the end; and

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

"(B) may consider additional criteria relating to—

"(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

"(ii) additional assistance that may be available from other Federal or State sources.".

#### SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each fiscal year.

#### SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

#### SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: "in cases in which the activities require specialized training relating to hydroelectric power generation".

#### SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking "\$1,000,000" and inserting "\$2,000,000"; and

(2) in the second sentence, by inserting "out" after "carry".

#### SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-



of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

#### SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting “(a) IN GENERAL.—” before “It shall”;

(2) by striking “However, such structures” and inserting the following:

“(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)”;

(3) by striking “When plans” and inserting the following:

“(c) MODIFICATION OF PLANS.—When plans”;

(4) by striking “The approval” and inserting the following:

“(d) APPLICABILITY.—

“(1) BRIDGES AND CAUSEWAYS.—The approval”;

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

“(2) DAMS AND DIKES.—

“(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

“(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

“(i) shall be subject to section 10; and

“(ii) shall not be subject to the approval requirements of this section.”.

#### SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

##### “SEC. 1001. PROJECT DEAUTHORIZATIONS.

“(a) DEFINITIONS.—In this section:

“(1) CONSTRUCTION.—The term ‘construction’, with respect to a project or separable element, means—

“(A) in the case of—

“(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

“(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

“(B) in the case of an environmental protection and restoration project—

“(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

“(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

“(C) in the case of any other water resources project, the performance of physical work under a construction contract.

“(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term ‘physical work under a construction contract’ does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

“(b) PROJECTS NEVER UNDER CONSTRUCTION.—

“(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of

projects and separable elements of projects that—

“(A) are authorized for construction; and

“(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

“(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

“(1) LIST OF PROJECTS.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

“(i) that are authorized for construction;

“(ii) for which Federal funds have been obligated for construction of the project or separable element; and

“(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

“(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

“(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

“(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

“(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.”.

#### SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking “Within 6 months after the date of the enactment of this subsection, the” and inserting “The”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking “Such guidelines shall address” and inserting the following:

“(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

“(A) address”; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting “that non-Federal interests shall adopt and enforce” after “policies”;

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

(C) by adding at the end the following:

“(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12(b)) is amended—

(1) in the subsection heading, by striking “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

(2) in the first sentence, by striking “flood plain” and inserting “floodplain”.

#### SEC. 213. 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), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.”.

#### SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers’ Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

#### SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term “State” has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide 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 identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

#### SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking “In carrying out” and all that follows through “(1) is” and inserting the following: “In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

“(1) are”;

(2) in the first sentence of subsection (b), by striking “the proposed uprating” and inserting “any proposed uprating”;

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

“(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

“(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).”.

#### SEC. 217. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary

may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

#### SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision-making in the permitting process.

#### SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) SHORT TITLE.—This section may be cited as the “Dredged Material Reuse Act”.

(b) FINDING.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) DEFINITION.—In this Act, the term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(d) PROGRAM FOR REUSE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$2,000,000 for each fiscal year.

#### SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term “Academy” means the National Academy of Sciences.

(2) METHOD.—The term “method” means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term “feasibility report” means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by

the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term “water resources project” means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000, to remain available until expended.

### TITLE III—PROJECT-RELATED PROVISIONS

#### SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99-662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) REMOVAL PROCESS.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) LANDS TO BE SOLD.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) CRITERIA FOR LAND TO BE ACQUIRED.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) DREDGED MATERIAL DISPOSAL SITES.—The Secretary shall utilize dredge material

disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) OTHER MITIGATION LANDS.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99-662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) REPEAL.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

#### SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than \$250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

#### SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

- (1) Beaver Lake, 1.5 feet.
- (2) Table Rock, 2 feet.
- (3) Bull Shoals Lake, 5 feet.
- (4) Norfolk Lake, 3.5 feet.
- (5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

#### SEC. 304. PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction,

Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of \$32,226,000, with an estimated Federal cost of \$20,647,000 and an estimated non-Federal cost of \$11,579,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

#### SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

#### SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) DEFINITION OF ILLINOIS RIVER BASIN.—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.—As expeditiously as practicable, the Secretary shall develop 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 Illinois River 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 and the State of Illinois.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) **ADDITIONAL STUDIES AND ANALYSES.**—After submission of the 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 \$20,000,000.

(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—

- (A) providing advance notice of meetings;
- (B) providing adequate opportunity for public input and comment;
- (C) maintaining appropriate records; and
- (D) 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 Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(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.**—

(A) **IN GENERAL.**—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.

(B) **ITEMS INCLUDED.**—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including 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 LAND.**—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as 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, as determined by the Secretary.

#### **SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.**

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

#### **SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.**

(a) **IN GENERAL.**—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, with-

in, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) **AUTHORITIES.**—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

#### **SEC. 309. 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 purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

#### **SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**

(a) **REDESIGNATION.**—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning 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.

(b) **REAUTHORIZATION.**—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning 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.

(2) The area located west of the 9-foot channel beginning 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.

**SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.**

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

**SEC. 312. BRECKENRIDGE, MINNESOTA.**

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of \$21,000,000, with an estimated Federal cost of \$13,650,000 and an estimated non-Federal cost of \$7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

**SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.**

(a) SHORT TITLE.—This section may be cited as the “Missouri River Valley Improvement Act”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains  $\frac{1}{4}$  of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark’s voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term “Missouri River” means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking “(b) The general” and inserting the following:

“(b) COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—The general”;

(2) by striking “paragraph” and inserting “subsection”; and

(3) by adding at the end the following:

“(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.”.

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA” of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: “There is authorized to be appropriated to carry out this paragraph \$20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.”.

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

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

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

(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 of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, 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 submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required 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.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

“(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 2004.”.

**SEC. 314. NEW MADRID COUNTY, MISSOURI.**

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

**SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.**

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that

the construction work is integral to the project.

(b) **MAXIMUM AMOUNT OF CREDIT.**—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be \$222,000.

**SEC. 316. PIKE COUNTY, MISSOURI.**

(a) **IN GENERAL.**—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) **LAND DESCRIPTION.**—The parcels of land referred to in subsection (a) are the following:

(1) **NON-FEDERAL LAND.**—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) **FEDERAL LAND.**—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(c) **CONDITIONS.**—The land exchange under subsection (a) shall be subject to the following conditions:

(1) **DEEDS.**—

(A) **NON-FEDERAL LAND.**—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) **FEDERAL LAND.**—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) 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.

(2) **REMOVAL OF IMPROVEMENTS.**—

(A) **IN GENERAL.**—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) **NO LIABILITY.**—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) **TIME LIMIT FOR LAND EXCHANGE.**—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) **LEGAL DESCRIPTION.**—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) **ADMINISTRATIVE COSTS.**—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) **VALUE OF PROPERTIES.**—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

**SEC. 317. FORT PECK FISH HATCHERY, MONTANA.**

(a) **FINDINGS.**—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck

Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) **PURPOSES.**—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) **DEFINITIONS.**—In this section:

(1) **FORT PECK LAKE.**—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) **HATCHERY PROJECT.**—The term "hatchery project" means the project authorized by subsection (d).

(d) **AUTHORIZATION.**—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) **COST SHARING.**—

(1) **DESIGN AND CONSTRUCTION.**—

(A) **FEDERAL SHARE.**—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) **FORM OF NON-FEDERAL SHARE.**—

(i) **IN GENERAL.**—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) **REQUIRED CREDITING.**—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) **OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) **COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.**—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) **POWER.**—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

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

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section—

(A) \$20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) **AVAILABILITY OF FUNDS.**—Sums made available under paragraph (1) shall remain available until expended.

**SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.**

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

**SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.**

(a) **IN GENERAL.**—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize non-structural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) **REEVALUATION OF FLOODWAY STUDY.**—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, 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) **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, 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)).

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

(1) **IN GENERAL.**—The Secretary shall re-evaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin 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 economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) **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.

(f) **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 all aspects of the Passaic River flood management project.

(2) **MEMBERSHIP.**—The task force shall be composed of 20 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 18 members to the task force, as follows:

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

(ii) 1 representative 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.

(g) **ACQUISITION OF LANDS IN THE FLOODWAY.**—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), 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.”

(h) **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).

(i) **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 flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) **CONFORMING AMENDMENT.**—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended

in the paragraph heading by striking “MAIN STEM,” and inserting “FLOOD MANAGEMENT PROJECT.”

**SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.**

(a) **IN GENERAL.**—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled “Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention”, at a total cost of \$9,000,000, with an estimated Federal cost of \$5,850,000 and an estimated non-Federal cost of \$3,150,000.

(b) **COST SHARING.**—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

**SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.**

(a) **EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**—With respect to the land described in each deed specified 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 low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) **AFFECTED DEEDS.**—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) 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).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

**SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.**

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

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

(2) by adding at the end the following:

“(b) **CREDIT TOWARD NON-FEDERAL SHARE.**—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.”

**SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.**

(a) **ESTUARY RESTORATION.**—

(1) **SUPPORT PLAN.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) **COOPERATION.**—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) **PROJECTS.**—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) **EVALUATION PROGRAM.**—

(A) **IN GENERAL.**—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) **STUDIES.**—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) **COST SHARING.**—

(1) **DEVELOPMENT OF PLAN.**—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) **PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.**—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) **NON-FEDERAL SHARE.**—

(A) **CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) **FORM.**—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) **OPERATION AND MAINTENANCE.**—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) **NON-FEDERAL INTERESTS.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

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

(1) **DEVELOPMENT OF PLAN.**—There is authorized to be appropriated to carry out subsection (a)(1) \$300,000.



(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) \$5,000,000 for each of fiscal years 2001 through 2004.

**SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.**

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term "New Savannah Bluff Lock and Dam" means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at \$5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

**SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.**

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of \$34,000,000, with an estimated Federal cost of \$30,600,000 and an estimated non-Federal cost of \$3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

**SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.**

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63-76-C-0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government \$4,290,000 in 2 installments—

(1) 1 installment in the amount of \$2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of \$2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

**SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.**

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects 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) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal

share in the form of services, materials, supplies, or other in-kind contributions.

(f) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000, to remain available until expended.

#### **SEC. 328. MOUNT ST. HELENS, WASHINGTON.**

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

#### **SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.**

(a) **DEFINITION OF CRITICAL RESTORATION PROJECT.**—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) **CRITICAL RESTORATION PROJECTS.**—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

- (1) the watersheds that drain directly into Puget Sound;
- (2) Admiralty Inlet;
- (3) Hood Canal;
- (4) Rosario Strait; and
- (5) the Strait of Juan de Fuca to Cape Flattery.

(c) **PROJECT SELECTION.**—

(1) **IN GENERAL.**—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) **CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.**—

(A) **IN GENERAL.**—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) **CONSISTENCY WITH FISH RESTORATION GOALS.**—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) **USE OF EXISTING STUDIES AND PLANS.**—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) **LOCAL PARTICIPATION.**—In prioritizing critical restoration projects for implementation under this section, the Secretary shall

consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

- (A) the Salmon Recovery Funding Board;
- (B) the Northwest Straits Commission;
- (C) the Hood Canal Coordinating Council;
- (D) county watershed planning councils; and
- (E) salmon enhancement groups.

(d) **IMPLEMENTATION.**—The Secretary may carry out critical restoration projects identified under subsection (c) 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) and this section.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) **CREDIT.**—

(A) **IN GENERAL.**—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) **FORM.**—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000, of which not more than \$5,000,000 may be used to carry out any 1 critical restoration project.

#### **SEC. 330. FOX RIVER SYSTEM, WISCONSIN.**

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) **IN GENERAL.**—The Secretary"; and

(2) by adding at the end the following:

"(2) **PAYMENTS TO STATE.**—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features."

#### **SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.**

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking "\$7,000,000" and inserting "\$20,000,000"; and

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommenda-

tions of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen."

#### **SEC. 332. 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. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**

(a) **FINDINGS.**—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) **DEFINITIONS.**—In this section:

(1) **GREAT LAKE.**—

(A) **IN GENERAL.**—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) **INCLUSIONS.**—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) **GREAT LAKES COMMISSION.**—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) **GREAT LAKES FISHERY COMMISSION.**—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) **GREAT LAKES STATE.**—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) **GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**—

(1) **SUPPORT PLAN.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) **USE OF EXISTING DOCUMENTS.**—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) **COOPERATION.**—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) **PROJECTS.**—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) **EVALUATION PROGRAM.**—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) \$300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) \$8,000,000 for each of fiscal years 2002 through 2006.

#### SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 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 inserting “\$10,000,000 for each of fiscal years 2001 through 2010.”

#### SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

“(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.”; and

(2) in subsection (g)—

(A) by striking “There is authorized” and inserting the following:

“(1) IN GENERAL.—There is authorized”;

and

(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 2001 through 2008.”

#### SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

#### SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term “New England” means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—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) and this section.

(3) PROJECT JUSTIFICATION.—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 a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than \$5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, 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.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) \$2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) \$30,000,000.

#### SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

#### SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term “beaches” means the following beaches located in Carteret County, North Carolina:

- (1) Atlantic Beach.
- (2) Pine Knoll Shores Beach.
- (3) Salter Path Beach.
- (4) Indian Beach.
- (5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

#### TITLE IV—STUDIES

##### SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

##### SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

##### SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying 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), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

##### SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, California.

##### SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

##### SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

##### SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$250,000.

##### SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

##### SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

##### SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

##### SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlahaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and

other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

#### SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

#### SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

#### SEC. 414. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

- (1) the USX/Southworks site;
- (2) Calumet Lake and River;
- (3) the Canal Origins Heritage Corridor; and
- (4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

#### SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

#### SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

#### SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

#### SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

#### SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

#### SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

#### SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

#### SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

#### SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

#### SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

#### SEC. 425. 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. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

##### “SEC. 438. CUYAHOGA RIVER, OHIO.

“(a) IN GENERAL.—The Secretary shall—

“(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

“(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

“(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000.”.

##### SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

##### SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

#### SEC. 429. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

#### SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

#### SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use \$200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

#### SEC. 432. 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) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) 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; and

(B) for the purposes of subparagraph (A), 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.

#### SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) **REQUIRED ELEMENT.**—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

**SEC. 434. CEDAR BAYOU, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

**SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

**SEC. 436. SAN ANTONIO CHANNEL, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

**SEC. 437. VERMONT DAMS REMEDIATION.**

(a) **IN GENERAL.**—The Secretary shall—  
(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and  
(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) **DAMS TO BE EVALUATED.**—The dams referred to in subsection (a) are the following:

- (1) East Barre Dam, Barre Town.
- (2) Wrightsville Dam, Middlesex-Montpelier.
- (3) Lake Sadawga Dam, Whitingham.
- (4) Dufresne Pond Dam, Manchester.
- (5) Knapp Brook Site 1 Dam, Cavendish.
- (6) Lake Bomoseen Dam, Castleton.
- (7) Little Hosmer Dam, Craftsbury.
- (8) Colby Pond Dam, Plymouth.
- (9) Silver Lake Dam, Barnard.
- (10) Gale Meadows Dam, Londonderry.

(c) **COST SHARING.**—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$500,000.

**SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.**

(a) **REVIEW.**—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) **ISSUES.**—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

- (1) constructed and natural environs;
- (2) capital improvements;
- (3) water resource infrastructure;
- (4) ecosystem restoration;
- (5) flood control;
- (6) fish passage;
- (7) collaboration by, and the interests of, regional stakeholders;
- (8) recreational and socioeconomic interests; and
- (9) other issues determined by the Secretary.

**SEC. 439. WILLAPA BAY, WASHINGTON.**

(a) **STUDY.**—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) **PROJECT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

**SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.**

(a) **IN GENERAL.**—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

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

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) **STUDY COMPONENTS.**—

(1) **COMPUTER MODELING.**—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) **RESEARCH.**—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

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

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

(c) **USE OF INFORMATION.**—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) **REPORTS.**—

(1) **PRELIMINARY REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) **FINAL REPORT.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report

describing the results of the study under this section, including any findings and recommendations of the study.

(e) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2001 through 2005.

(2) **FEDERAL SHARE.**—The Federal share of the cost of carrying out this section shall be 50 percent.

**SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.**

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

**SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.**

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. VISITORS CENTERS.**

(a) **JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.**—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking “Arkansas River, Arkansas.” and inserting “at Fort Smith, Arkansas, on land provided by the city of Fort Smith.”.

(b) **LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.**—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking “in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.” and inserting “between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.”.

**SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) **COOPERATIVE ACTIVITIES.**—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

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

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) **AREA COVERED BY PROGRAM.**—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the “Bay-Delta Estuary”), as identified in 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 each of fiscal years 2002 through 2005.

**SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.**

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term “easement prohibition” means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term “eligible property owner” means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term “fee land” means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term “flowage easement” means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term “Lake” means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the

human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(ii) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(iii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

**SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.**

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance; as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a

result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

**SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.**

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking “a deceased” and inserting “an”; and

(2) by adding at the end the following:

“(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

**SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.**

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

“(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

“(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

“(2) LAND DESCRIPTION.—

“(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements.

“(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

“(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

“(4) PERPETUAL STATUS.—

“(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

“(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

“(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

“(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—



“(A) IN GENERAL.—The Secretary shall pay the State of South Carolina \$4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

“(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.”.

**SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.**

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

“(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

“(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

“(bb) the carrying out of plans developed under this section; and”;

(2) in subsection (b)(4)(B), by striking “section 604(d)(3)(A)(iii)” and inserting “section 604(d)(3)(A)”.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking “The” and inserting “In consultation with the State of South Dakota, the”; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting “Department of Game, Fish and Parks of the” before “State of”; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking “transferred” and inserting “transferred, or to be transferred,”; and

(ii) by striking subclause (II) and inserting the following:

“(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary.”.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking “The” and inserting “In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the”; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting “as tribal funds” after “for use”; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking “transferred” and inserting “transferred, or to be transferred,”; and

(ii) by striking subclause (II) and inserting the following:

“(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or develop-

ment of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary.”.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking “in perpetuity” and inserting “for the life of the Mni Wiconi project”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.”;

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting “and” after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “and” and inserting “or”;

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

“(I) OAHE DAM AND LAKE.—

“(aa) Downstream Recreation Area.

“(bb) West Shore Recreation Area.

“(cc) East Shore Recreation Area.

“(dd) Tailrace Recreation Area.

“(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

“(aa) Randall Creek Recreation Area.

“(bb) South Shore Recreation Area.

“(cc) Spillway Recreation Area.

“(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.”;

(4) in subsection (f)(1), by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(5) in subsection (g), by striking paragraph (3) and inserting the following:

“(3) EASEMENTS AND ACCESS.—

“(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(6) in subsection (h), by striking “of this Act” and inserting “of law”; and

(7) by adding at the end the following:

“(j) CLEANUP OF LAND AND RECREATION AREAS.—

“(i) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

“(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the ‘Cultural Resources Advisory Commission’ (referred to in this subsection as the ‘Commission’).

“(2) MEMBERSHIP.—The Commission shall be composed of—

“(A) 1 member representing the State of South Dakota;

“(B) 1 member representing the Cheyenne River Sioux Tribe;

“(C) 1 member representing the Lower Brule Sioux Tribe; and

“(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

“(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

“(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

“(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.”.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of

the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking “The Secretary” and inserting “Not later than January 1, 2002, the Secretary”;

(2) in subsection (b)(1), by striking “Big Bend and Oahe” and inserting “Oahe, Big Bend, and Fort Randall”;

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

“(I) Left Tailrace Recreation Area.

“(II) Right Tailrace Recreation Area.

“(III) Good Soldier Creek Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.”;

(4) in subsection (f)—

(A) in paragraph (1), by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) EASEMENTS AND ACCESS.—

“(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(C) in paragraph (3)(B), by inserting before the period at the end the following: “that were administered by the Corps of Engineers as of the date of the land transfer.”;

(5) by adding at the end the following:

“(h) CLEANUP OF LAND AND RECREATION AREAS.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and

historic site located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(j) SEDIMENT CONTAMINATION.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

“(A) complete a study of sediment contamination in the Cheyenne River; and

“(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).”;

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

“(d) BUDGET CONSIDERATIONS.—

“(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

“(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

“(A) be detailed;

“(B) include all necessary tasks and associated costs; and

“(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.”;

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

“(a) SECRETARY.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

“(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

“(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

“(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

“(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

“(2) ALLOCATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

“(i) \$1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

“(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

“(I) 65 percent to the State of South Dakota.

“(II) 26 percent to the Cheyenne River Sioux Tribe.

“(III) 9 percent to the Lower Brule Sioux Tribe.

“(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).”;

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

“(1) AFFECTED INDIAN TRIBE.—The term ‘affected Indian Tribe’ means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.”;

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking “the Tribe” and inserting “the affected Indian Tribe”;

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking “the respective Tribe” each place it appears and inserting “the respective affected Indian Tribe”;

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking “an Indian Tribe” and inserting “any Indian Tribe”; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking “an Indian Tribe” and inserting “any Indian Tribe”;

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking “INDIAN TRIBES” and inserting “AFFECTED INDIAN TRIBES”;

(B) in paragraphs (1) and (4) of subsection (a), by striking “the Indian Tribes” each place it appears and inserting “the affected Indian Tribes”;

(C) in subsection (c)(2), by striking “an Indian Tribe” and inserting “any Indian Tribe”;

(D) in subsection (f)(2)(B)(i)—

(i) by striking “the respective tribes” and inserting “the respective affected Indian Tribes”; and

(ii) by striking “the respective Tribe’s” and inserting “the respective affected Indian Tribe’s”; and

(E) in subsection (g), by striking “an Indian Tribe” and inserting “any Indian Tribe”;

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking “an Indian Tribe” each place it appears and inserting “any Indian Tribe”.

## SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

“(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin.”;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by—

(1) inserting “or exported” after “diverted”; and

(2) inserting “or export” after “diversion”.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

# **TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN**

## **SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.**

(a) DEFINITIONS.—In this section:

(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 imple-

mented 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 Decompartmentalization 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 Decompartmentalization 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.**—

(1) **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.**—

(1) **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.

(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;

(i) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) 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.**—

(1) **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.

(2) **OTHER MONITORING.**—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) 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, after notice and opportunity for public comment and in accordance with subsection (h), complete 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 receives 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—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) 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.—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.

(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 programmatic 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.—

(1) 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 implementation 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.**—

(1) **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.**—

(1) **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 assessment 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) **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 THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.**

(a) **IN GENERAL.**—(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, the Senate 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) the Senate 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) the Senate 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 THE SENATE.**—It is the sense of the Senate 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 PROTECTION AND IMPROVEMENT**

##### **SEC. 701. SHORT TITLE.**

This title shall be known as the "Missouri River Protection and Improvement Act of 2000".

##### **SEC. 702. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) **PURPOSES.**—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

##### **SEC. 703. DEFINITIONS.**

In this title:

(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, chapter 665).

(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 North Dakota.

(4) TASK FORCE.—The term “Task Force” means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term “Trust” means the North Dakota Missouri River Trust established by section 704(a).

#### SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

#### SEC. 705. 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 18 months 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—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) 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—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 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—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(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 75 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 75 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. 706. 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, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) **USE OF FUNDS.**—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

#### SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) **INITIAL FUNDING.**—There is authorized to be appropriated to the Secretary to carry out this title \$4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) **EXISTING PROGRAMS.**—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

### TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

#### SEC. 801. SHORT TITLE.

This title may be cited as the “Charles M. Russell National Wildlife Refuge Enhancement Act of 2000”.

#### SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

#### SEC. 803. DEFINITIONS.

In this title:

(1) **ASSOCIATION.**—The term “Association” means the Fort Peck Lake Association.

(2) **CABIN SITE.**—

(A) **IN GENERAL.**—The term “cabin site” means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) **INCLUSIONS.**—The term “cabin site” includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) **CABIN SITE AREA.**—

(A) **IN GENERAL.**—The term “cabin site area” means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) **INCLUSION.**—The term “cabin site area” includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) **LESSEE.**—The term “lessee” means a person that is leasing a cabin site.

(5) **REFUGE.**—The term “Refuge” means the Charles M. Russell National Wildlife Refuge in Montana.

#### SEC. 804. CONVEYANCE OF CABIN SITES.

(a) **IN GENERAL.**—

(1) **PROHIBITION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) **DETERMINATION; NOTICE.**—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) **OFFER OF COMPARABLE CABIN SITE.**—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) **RESPONSE.**—

(1) **NOTICE OF INTEREST.**—

(A) **IN GENERAL.**—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) **FORM.**—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) **UNPURCHASED CABIN SITES.**—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) **PROCESS.**—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or

deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) **CONSULTATION AND PUBLIC INVOLVEMENT.**—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) **CONVEYANCE.**—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) **VEHICULAR ACCESS.**—

(1) **IN GENERAL.**—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) **CONSTRUCTION.**—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) **OFFER TO CONVEY.**—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) **UTILITIES AND INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) **NO FEDERAL ASSISTANCE.**—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) **COVENANTS AND DEED RESTRICTIONS.**—

(1) **IN GENERAL.**—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and

deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) **RESERVATION OF RIGHTS.**—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) **NO CONVEYANCE OF UNSUITABLE CABIN SITES.**—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) **IDENTIFICATION OF LAND FOR EXCHANGE.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) **APPRAISAL.**—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) **ACQUISITION.**—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) **PUBLIC PARTICIPATION.**—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

#### **SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.**

(a) **CONTINUATION OF LEASE.**—

(1) **IN GENERAL.**—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) **EXPIRATION BEFORE 2010.**—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) **IMPROVEMENTS.**—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) **OPTION TO PURCHASE.**—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6); the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) **COVENANTS AND DEED RESTRICTIONS.**—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be nec-

essary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) **NO CONVEYANCE OF UNSUITABLE CABIN SITES.**—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) **REPORT.**—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

#### **SEC. 806. CONVEYANCE TO THIRD PARTIES.**

(a) **CONVEYANCES TO THIRD PARTIES.**—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) **COVENANTS AND DEED RESTRICTIONS.**—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) **CONVEYANCE TO ASSOCIATION.**—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

#### **SEC. 807. USE OF PROCEEDS.**

(a) **PROCEEDS.**—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) **LIMITATION.**—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

#### **SEC. 808. ADMINISTRATIVE COSTS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) **REIMBURSEMENT.**—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Sec-

retary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

#### **SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.**

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

#### **SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

### **TITLE IX—MISSOURI RIVER RESTORATION**

#### **SEC. 901. SHORT TITLE.**

This title shall be known as the "Missouri River Restoration Act of 2000".

#### **SEC. 902. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

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

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

#### SEC. 903. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term “Committee” means the Executive Committee appointed under section 904(d).

(2) 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, chapter 665).

(3) 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 905(e).

(4) STATE.—The term “State” means the State of South Dakota.

(5) TASK FORCE.—The term “Task Force” means the Missouri River Task Force established by section 905(a).

(6) TRUST.—The term “Trust” means the Missouri River Trust established by section 904(a).

#### SEC. 904. 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. 905. 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 18 months 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—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) 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—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 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 enter-

ing into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(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 75 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 75 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. 906. 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, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) **USE OF FUNDS.**—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

#### **SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

(a) **INITIAL FUNDING.**—There is authorized to be appropriated to the Secretary to carry out this title \$4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) **EXISTING PROGRAMS.**—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

Mr. ROBERTS. Mr. President, I ask to reconsider the vote, and on behalf of the Senator from New Hampshire, Mr. SMITH, I move to table my own motion.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

• Mr. GORTON. Madam President, I regret I was unable to vote on the final passage of the Water Resources Development Act, S. 2796. Had I been present, I would have voted in favor of this legislation.

The bill contains authorizations for several important projects for Washington State. I would like to thank the chairman of the Senate Environment and Public Works Committee. Senator BOB SMITH, and the chairman of the Subcommittee on Transportation and Infrastructure, Senator GEORGE VOINOVICH, for their assistance in addressing the water resource needs of the Pacific Northwest. I'd like to highlight four projects critical to my constituents.

The bill provides authorization for the Puget Sound Ecosystem Restoration Project, an environmental restoration program designed to improve habitat for four threatened anadromous fish species in the Puget Sound basin.

The Corps of Engineers, contingent on available appropriations, will be authorized to spend \$20 million in cooperation with local governments, tribes, and restoration groups to make existing Corps projects more salmon-friendly and enhance critical stream habitat.

WRDA 2000 also includes an authorization for the Corps of Engineers to study and construct an erosion control project for the Shoalwater Bay Indian Tribe. The Shoalwater Bay Indian Tribe, located on a 335-acre reservation in southwest Washington, has experienced dramatic erosion events for the past several winters. During the 1998-1999 winter storms alone, the tribe lost several hundred feet of shoreline. These events have been particularly damaging to this small tribe of 245 people, most of whom depend on the tribe's shellfish resource along the 700 acres of tidelands.

Another provision will assist the communities along the Columbia, Cowlitz, and Toutle rivers. During the early 1980s after the eruption on Mount St. Helens on May 18, 1980, the Corps of Engineers engaged in a series of emergency and congressionally authorized projects to stop or control the flow of sediment from Mount St. Helens into the Toutle, Cowlitz, and Columbia rivers. Since the major Northwest Washington flood of 1996, which severely impacted the communities surrounding these three rivers, the Corps of Engineers and county governments in Southwest Washington have engaged in discussions over the level of flood protection to be maintained for the Mount St. Helens Sediment Control Project. The WRDA bill clarifies the Corps' responsibility to maintain this project and provides certainty for the communities in the future.

Finally, the bill includes authorization for the Corps to accept funding from non-federal public entities to improve and enhance the regulatory activities of the Corps of Engineers. Since the listing of the four Puget Sound salmon species last year, the Seattle office of the Corps of Engineers has been inundated with permits that requires additional consultation under the Endangered Species Act. Unfortunately, this additional responsibility requires additional staff and resources to occur in a timely manner. At the beginning of this year, the Seattle regulatory office had a backlog of 300 permit applications. Today that backlog has grown to nearly 1,000. This provision will provide the Corps the additional resources it needs to comply with the Endangered Species Act.

Once again, I would like to thank the members of the Environment and Public Works Committee for their assistance in providing authorization for projects important to the residents of Washington state. I am pleased the Senate passed this legislation today. •

#### **MORNING BUSINESS**

Mr. ROBERTS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent I might be recognized for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **GENERAL CHARLES E. WILHELM**

Mr. ROBERTS. Mr. President, late in the afternoon of this coming Thursday, the U.S. Marine Corps will conduct a retirement ceremony at the Marine Corps War Memorial in Arlington, VA.

It would not be too surprising for all who know the honoree, if those legendary marines raising the flag atop Mt. Suribachi at the Iwo Jima Memorial and ensconced in statutory history might actually plant the flag, come to attention and give a proud salute to Gen. Charles E. Wilhelm. Now retired after 35 years of service and the former commander of the U.S. Southern Command, Charles Wilhelm has been the epitome of dedication, professionalism, and pride. Simply put, he has been a marine's marine. In paying tribute to General Wilhelm, my remarks are in keeping with the appreciation, admiration, and thanks of my colleagues in the Senate, more especially the chairman and members of the Armed Services Committee, all those privileged to serve on committees of jurisdiction dealing with our national defense and foreign policy and former marines who serve in the Congress. I think Charles Wilhelm was destined to serve in our Nation's sea service and become an outstanding marine in that he was born of the shores of Albemarle Sound in historic Edenton, NC. He graduated from Florida State University and later earned a master of science degree from Salve Regina College in Newport, RI. He was commissioned a second lieutenant in 1964 and saw two tours of service in Vietnam where in the full component of command positions, he served with distinction: as a rifle platoon commander; company commander; and senior advisor to a Vietnamese Army battalion.

For his heroism under fire, he was awarded the Silver Star Medal, Bronze Star Medal with Combat V, Navy Commendation Medal with Combat V, and the Army Commendation Medal with Combat V. General Wilhelm's other personal decorations include the Defense Service Medal with Oak Leaf Cluster, the Distinguished Service Medal, Defense Meritorious Service Medal, the Navy Commendation Medal, and Combat Action Ribbon. The last thing that Charley Wilhelm would want or stand for would be for some Senator like myself to stand on the Senate floor and list the rest of all of