

that I will be offering, and I would hope that my fellow colleagues would consider this very deeply when it comes to the floor, it permits the ports around the United States, does not mandate them, but permits them to put a fee on containers coming in or out of the port, up to \$100 per container.

As we move forward with an incredibly expensive goal of modernizing our ports so they will be secure and safe, there is going to be this astronomical cost to accomplishing this goal. The ports themselves do not have the revenue resources necessary to do their part unless we give them a source of revenue. Many of the ports are going to complain, and I understand that some of the ports have actually complained that they do not want the power to even ask for a fee from those people who are using the port facilities, the manufacturers overseas who are using the port facilities to send their containers in and out of the port.

The American people should not have to pick up the entire burden that is required to make our ports safe and to keep our ports functioning in a way. My bill would make sure the people overseas pay their part as well and are able to do so through a fee on the containers coming through the ports.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a member of the Committee on Transportation and Infrastructure.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the time, and I rise today in support obviously of the rule, but also of the underlying bill, and especially the manager's amendment which the gentleman from Alaska (Mr. YOUNG) will bring up later which authorizes a water-related infrastructure project of great interest and need in my district and to my constituents in Imperial County, California.

The New River, and that is the name of the river we are dealing with, the New River has been described as the world's worst polluted river. The river flows from Mexico north across the U.S. border and through my district in southern California. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste and garbage are constantly released into the New River, hundreds of millions of gallons of raw sewage in the New River every year.

It is extremely polluted. It is foamy, foul-smelling. A person would not want their children to play anywhere near this river. It violates water quality standards, and plants and animals cannot survive in much of the river. It continues to threaten the health of the residents of my district and even of undocumented immigrants who use the waterway to try to cross the international border.

A coalition of citizen groups and government agencies in my district, including the Calexico New River Committee, has developed a feasible plan

that will significantly improve the quality of water that flows through this community. They need to be supported, and this bill, which authorizes the Nation's water-related projects, would authorize \$10 million to make sanitation improvements to this river. It is an extremely important first step in the process in enhancing the water quality of the New River, enriching life in our community and making a healthier home not only for the human beings, but for fish and wildlife.

So for the sake of my constituents at the U.S.-Mexico border, I urge my colleagues to support the manager's amendment and pass this bill.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2557.

□ 1612

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge all Members to support H.R. 2557, the Water Resources Development Act of 2003. Under the great leadership of the gentleman from Alaska (Mr. YOUNG) our committee has focused on the need to meet our Nation's navigation, flood control and environmental restoration needs.

In our subcommittee, we have held numerous hearings in which witnesses have testified about the importance of these water resources projects to our economy. Just last week, our subcommittee held a hearing on the contributions of ports and inland waterways to the Nation's intermodal transportation system. It is clear from the

testimony we received that if we do not take action now to improve our ports and waterways, we could severely harm our economy as a result of congestion in our transportation systems.

That is just one reason why we need to pass the Water Resources Development Act of 2003. There are many other reasons.

Each of the over 400 provisions of the bill meets an important national purpose. We are confident of this because for each request the committee received, the committee consulted with the Corps of Engineers to ensure that there was a Federal interest in the project and that the request complied with all rules on cost-sharing and cost-benefit analysis. Obviously not all requests met this standard, but after this review, the committee was able to approve over 60 authorizations, modifications, studies and policies relating to navigation improvements, over 100 flood control authorizations, modifications and studies, over 80 environmental authorizations, modifications or studies.

H.R. 2557 also includes some important new policies. H.R. 2557 encourages watershed planning by authorizing greater technical assistance to State and local governments and authorizes an additional 24 watershed studies.

□ 1615

This bill encourages the Corps of Engineers to carry out projects in partnerships with its local sponsors and to streamline the process for entering into agreements with local sponsors. In fact, this bill has very good streamlining provisions in it so that these very important projects, instead of sometimes taking 8 or 10 or 12 years, hopefully can be done in a much shorter time, saving taxpayer money and saving lives and doing good things for the environment in the process.

H.R. 2557 includes important provisions that allow the Corps of Engineers to help expedite environmental permits for non-Federal water resource projects as well as streamlining approvals for its own projects. And that, as I said, is one of the most important parts of this legislation.

H.R. 2557 includes consensus provisions on peer review of certain Corps of Engineers studies. This is a landmark provision in this legislation. It also includes, Mr. Chairman, 27 shoreline and streambank protection projects, 16 water conservation projects, 12 recreation projects, 12 dam safety projects, and many other projects too numerous to name.

This bill has been put together on a true bipartisan basis. There are no Republican or Democrat navigation, flood control, or environmental restoration projects. We all recognize that communities across the country have water resources needs, very important water resources needs. This bill responds to those communities, our constituents.

I want to recognize the assistance and expertise and friendship provided

by the ranking member of the subcommittee, the gentleman from Illinois (Mr. COSTELLO). Thanks to his efforts and the efforts of the gentleman from Alaska (Mr. YOUNG), chairman of the full committee, and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as the entire committee, we tackled some very contentious issues, as I mentioned when I spoke on the rule; and we have come together on a bill that has the unanimous support of the Committee on Transportation and Infrastructure.

Mr. Chairman, this is a good bill, and I urge all Members to support it.

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

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2557, the Water Resources Development Act of 2003. This bill addresses what Congress failed to do last year, enact a Water Resources Development Act for 2002.

Mr. Chairman, the Committee on Transportation and Infrastructure strongly supports this legislation for the corps' water resource program. It is critical to maintain this 2-year cycle to provide continuity to the program and certainty to the non-Federal local sponsors who support the corps' program. This 2-year cycle also affords Congress the opportunity to monitor and, if necessary, amend the workings of the corps' program, often in response to changing circumstances.

H.R. 2557 authorizes projects for the entirety of the corps' civil works program. It includes flood control, navigation, environmental restoration, and authorizations for several important projects to restore and enhance the Nation's environmental infrastructure. In developing this legislation over the past 3 years, the committee received over 300 individual requests from Members for projects of importance to the various regions of this country. The committee tried to accommodate as many requests as feasible within the jurisdiction and authority of the Corps of Engineers.

Mr. Chairman, I would like to take this opportunity now to acknowledge and thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), and in particular my colleague, friend, and chairman of the subcommittee for all of their hard work and their leadership. Without their leadership, support, and work we would not be here today. The gentleman from Tennessee (Mr. DUNCAN) in particular, let me say, showed a willingness to work with individual Members on both sides; and we were able to put together what I believe is a good bipartisan bill.

The tough issue of independent review, which yielded a bipartisan solution to a very complex issue of great importance to the members of the com-

mittee and the entire House and to the improved operation of the corps' civil works program was accomplished because of this bipartisan support and their leadership.

The independent review language that is included in H.R. 2557 creates a firm, yet flexible, standard for the independent review of corps project studies. It is firm in that it establishes a \$50 million threshold for projects to be reviewed. It is flexible in that the chief of engineers has the opportunity to exempt certain projects from review and retains the authority to time the reviews to a particular circumstance of an individual project study. This approach is the key to this bipartisan proposal.

Including this language in the bill will ultimately improve the corps' program. It will result in better recommendations for the Committee on Transportation and Infrastructure to consider when developing future water resource legislation. I believe also that it will save the taxpayers money and it will enhance the quality of investment in water resource projects.

I urge all of my colleagues to support the legislation.

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

Mr. DUNCAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, without whose support and hard work this legislation would not be here on the floor today.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time, and I will compliment the gentleman from Tennessee (Mr. DUNCAN) for his hard work and that of the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Minnesota (Mr. OBERSTAR) on this legislation. It is a bipartisan piece of legislation, and I am very pleased today that we are considering it because this has been delayed for numerous years.

I also would like to thank the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. MATSUI) for their good work and their understanding, because that is one of the roadblocks we had, and they were able to sit down and work out a solution to a very complex problem in their State. In California, I feel sorry for them because there are 53 of them, and so they have a real problem. In Alaska, there is only one of us. If I start arguing with myself, I know it is a problem; but these gentlemen were able to get together, and I want to compliment them.

As I said, this bill has been stalled for 2 years, but we got together and we have been able to get past the rhetoric, identify real issues and come up with workable bipartisan solutions that will actually help the Corps of Engineers

carry out its mission. This negotiation involved a lot of give and take, as I just mentioned. The result does not represent my initial positions nor those of the gentleman from Minnesota (Mr. OBERSTAR), and that is the nature of compromise.

The compromise language gives the Corps of Engineers the tools it needs to improve and expedite water resource projects. These provisions earned the support of all the members of the Committee on Transportation and Infrastructure and deserve the support of all Members of this House.

Now that the debate over corps reform is past us, both the Congress and the Corps of Engineers can focus on meeting the Nation's navigation, flood control, and environmental restoration needs to provide economic and national security to improve our quality of life.

I know some will complain about the cost of the Corps of Engineers projects, but these investments are critically important to the economy. Over 13 million jobs are dependent on trade, but our harbors are not ready to meet the increasing demands of international trade.

Our farmers and our electric utilities depend on efficient waterways to move grain and coal, but over half are over 50 years old and two have been operating since the 19th century. And may I stress this again. Our goal in this committee is to relieve congestion. We must use our waterways to the best of our ability, as they are doing in other countries.

Many communities along the rivers and shores are not protected from hurricanes and flooding, even though the cost of recovering from a flood is an average six times greater than the cost of investing in the infrastructure needed to prevent those damages.

Finally, there are worthwhile environmental restoration projects to provide both environmental and economic benefits. The Water Resources Development Act addresses the needs in communities all over the country.

Again, I want to thank the Members that worked on bringing this bill to the floor. It is a bill that can do the job for the Nation. I am very, very excited about having this legislation on the floor today.

Mr. Chairman, there will be two amendments. My understanding is that one amendment will be offered and withdrawn. The other amendment, and I hope everybody listens very carefully, because I do have concerns about the effect on our ports, but we will discuss that in debate on those amendments and hopefully listen to all the arguments and then make the right decisions.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman and want to compliment the gentleman from Illinois on the splendid work that he has done since becoming the ranking member on the Subcommittee on Water Resources and Environment. He has devoted himself heart and soul and invested countless hours in the shaping of this legislation, and I really appreciate the splendid professional service he has rendered to the Nation and to the Congress.

And to the Chair of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), no more judicious, thoughtful Member serves in this body. His contribution is always one of openness, inclusiveness, and willingness to listen and work to reach the compromises necessary for the legislative process to work.

And to our chairman, the gentleman from Alaska, again, as he has said, we have spent a great deal of time together working out the complexities of this measure. Were it up to us alone, we would have had this bill on the floor in the last Congress, but that was not possible because of a California problem, and maybe some other issues of lesser significance. But as the chairman said, we have together reasoned with the Members from California directly involved in the project in the Sacramento and American Rivers, and that matter is now resolved and is included in this legislation, and we will move forward. The gentleman from Alaska has been a splendid partner and leader in shaping this legislation.

Mr. Chairman, we move with this bill to not only build but rebuild the Nation's water infrastructure, to expand international trade by improving our coastal ports and the inland navigation system. Through flood control and hurricane storm damage reduction, we will meet critical needs to protect lives and property.

We have a bipartisan solution to the complex issue of independent review of corps projects, and I compliment the gentleman from Illinois (Mr. COSTELLO) and the chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), on the time they have invested, together with the chairman and me and with the corps, in resolving long-standing issues that span several Congresses.

I am a long-time supporter of the corps, an advocate for and admirer of the Corps of Engineers for the valuable service it does this country. The Nation needs the Corps of Engineers, but the corps also needs to be sure that its proposals can withstand the strictest scrutiny; that its proposals are as rock solid as the foundations of the most secure dams that the corps builds. And that is why we needed to craft this independent review process, to validate and give substance to and authority to the process by which the corps recommends projects for our committee to act upon.

This independent review process will help restore the confidence that Con-

gress has long put in the Corps of Engineers but which has been shaken in recent years by outside critical review of the corps' process in evaluating major, multimillion dollar and multibillion dollar projects.

The corps is not a static entity, and it does not do this work all by itself. The corps, truthfully, does nothing that the Congress does not authorize it to do and direct it to do. Every water resources bill has clear direction for the Corps of Engineers, what to do and how to get to that goal. And several times we have acted to make commonsense reforms to improve the way the corps does its business.

Our committee instituted cost sharing. We established mitigation requirements. In fact, going back to 1977, the gentleman from Minnesota, then on the Republican side, Mr. Quie, and I, had an innovative proposal for the corps to do mitigation and reconstruction concurrently. We gave the corps a no-net loss of wetlands goal. We made environmental restoration a mission priority for the Corps of Engineers. We instituted floodplain management. We eliminated barriers to nonstructural flood damage reduction, allowing rivers to connect with the natural floodplain. This committee has initiated all of these activities and the corps has carried them out, but we always need to review and to move that process further.

Over the past 200 years, the Congress and Presidents have given the Corps of Engineers responsibility for a wide variety of critical military and civilian needs and have made this agency the world's premier water resource manager, the Corps of Engineers, the envy of other countries around the world who come to study the corps and try to emulate it in some fashion in their own back yard.

□ 1630

In the over 200 years since the Corps of Engineers was formed, that organization has served the Nation with great pride and extraordinary results. Throughout the 19th Century, it was the Corps that mapped the coastal fortifications, supervised the construction of those coastal fortifications, that went out and mapped the West in the aftermath of Lewis and Clark, constructed lighthouses, built jetties and piers for harbors, and carefully mapped the navigation channels of this country.

Its most important legacy, perhaps, was the work on canals, on rivers, and on roads. The Corps built those paths of commerce. Out of treacherous streams, the Corps built safe waterways, water highways for inland navigation and coastal safe harbors for a growing Nation that was founded on the water.

Congress expanded the Corps's responsibilities in 1826, authorizing the President to have river surveys made to clean out and to deepen selected waterways and make other river and har-

bor improvements that extended to the river basin of the Ohio, the Mississippi, and the Missouri River systems.

The Corps shaped this Nation as it entered the 20th Century. Chief of Engineers, Henry M. Robert, who is also and perhaps better known as the author of Robert's Rules of Order, oversaw the planning of the Galveston Seawall, a major engineering project that has protected that area from destruction by numerous hurricanes since his pioneering work.

I would like to point out Hiram M. Chittenden, an engineer officer, who supervised the construction of roads, bridges and aqueducts we know today as Yellowstone National Park, wrote a report on his survey of reservoir sites in Wyoming and Colorado that contributed to the establishment of what we now today know as the U.S. Bureau of Reclamation.

The Corps of Engineers had responsibility for the welfare of restoring Yosemite Valley and was the protector of our natural resources until the creation of the National Park Service. In fact, it was John Muir, founder of the Sierra Club, who in the 1880s said, "Thank God for the U.S. Army Corps of Engineers. They have saved and restored Yellowstone Park."

I will conclude by saying that this extraordinary agency is today at work not only at home, but in Afghanistan and in Iraq, ever protecting the long-range best interests and needs of the United States. This bill will assure that the Corps will continue to do that work in a manner of great credibility for the public.

George W. Goethals' early work at Davis Island and Muscle Shoals created the skills and management expertise needed to successfully finish the Panama Canal. Although the Panama Canal was not built by the Corps of Engineers, through the efforts of engineer officers such as Goethals, who were detailed to the Panama Canal Commission, some of the most difficult construction obstacles were overcome. If the Corps' original recommendations on the size of locks had been followed, there would be no need to expand the canal today.

The Corps' military and civilian functions have always been mutually supportive. Thousands of engineers troops served in France in 1917 and 1918, contributing to both front-line and rear-support efforts. The combat engineers constructed bridges, roads, and narrow-gauge railroads at or immediately behind the front. Other engineer troops enlarged French port facilities, constructed more than 20 million square feet of storage space, and built 800 miles of standard-gauge rail lines, plus an equal distance in yards and storage tracks. These types of contributions continued through World War II.

After World War II, the Corps developed and maintained new navigation systems such as the American portion of the St. Lawrence Seaway. At the same time, modernization of existing waterways became a growing concern. Heavier tows, barges, and other vessels plied the nation's major rivers. Locks such as those on the upper Mississippi, built mainly in the 1930s, were no longer adequate to handle the traffic. Lock and Dam 26 near Alton, Illinois, was the principal bottleneck on the upper

Mississippi system until a new lock was constructed in the 1980s.

Corps' construction activities since World War II have been further expanded. The Corps built Veterans Administration hospitals; Nike, Atlas, Titan, and Minuteman missile sites; NASA facilities, including the massive vehicle assembly building at Cape Kennedy; post offices and bulk mail facilities; and armed forces recruiting centers.

Successes at home were matched by the Corps' accomplishments abroad. The Corps provides technical assistance in conjunction with economic aid in an approach that came to typify many American foreign assistance programs.

Since the 1950s, the Corps has engaged in major engineering studies and projects in many countries. Under terms of the Foreign Assistance Act of 1961, the Corps began work in reimbursable programs through the State Department's Agency for International Development (AID).

Today, the Corps is active in both Afghanistan and Iraq.

In foreign affairs, we need instantly available, in-house capabilities to address the Nation's strategic needs. Domestically, only the Corps has the experience to balance economic development with environmental stewardship.

I urge my colleagues to support H.R. 2557, the Water Resources Development Act of 2003, and to continue the quality work of the Corps of Engineers in service to the Nation.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I very much wish to thank the gentleman from Alaska (Mr. YOUNG) and his staff and the gentleman from Minnesota (Mr. OBERSTAR) and his staff and also the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from California (Mr. COSTELLO) and their staffs for helping us on this bill.

As the economy begins to revive in this country, I am delighted that we can pass WRDA. It will do a great deal to help the economy but also to help all the communities throughout the Nation that will receive improvements under this bill.

We have struggled for many years in the Sacramento region to find a common solution to the water management problems that we have. And I am very pleased to be here today and to say that we have reached an acceptable compromise. The gentlemen from California (Mr. MATSUI) (Mr. OSE) (Mr. POMBO) and I represent various parts of the Sacramento region and have reached a compromise that will address both water supply and flood control.

We could not have done this without the help of all the members and their staffs who lead this committee. I really appreciate that. It is a great effort. It will be of immeasurable benefit to our region.

Mr. Chairman, I am very pleased to lend my support for this piece of legislation.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, first of all, I would like to take this moment to thank the gentleman from Alaska (Mr. YOUNG) for the work that he has done on this bill along with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). The work that they have done in terms of putting this legislation together, the Corps reform proposals, the legislation, and, obviously, the projects, will go a long way in making sure America remains strong in terms of our infrastructure.

I would also like to thank Chairman YOUNG and ranking member OBERSTAR and their staff along with the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) for the wonderful work that they have done in helping the gentleman from California (Mr. DOOLITTLE), myself, and the regional members in the northern California area put together, obviously, a piece of legislation within this bill that would take care of many of the water needs that the gentleman from California (Mr. DOOLITTLE) and I have been concerned about over the years with respect to Sacramento County and the American River watershed.

We had a major flood problem in 1986, and then another in 1997, which almost broke our levee system. And as a result of that, the Corps of Engineers has come up with a chief report that would raise the current Folsom Dam by some 7 feet and, obviously, shore up the American River levee system.

Due to the efforts the members that I just mentioned, obviously, we have put together a proposal that would take care of both water needs and, certainly, the needs of the people in the County of Sacramento.

So I just want to take this moment to thank again the members, particularly the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for working out this proposal with the gentleman from California (Mr. DOOLITTLE), myself and the regional members from our area.

Again, I want to make that effort because obviously this is a matter that has been going on for 20 years. I want to thank all members involved in this process.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of H.R. 2557, the Water Resources Development Act, and I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Tennessee (Mr. DUNCAN) for their strong leadership on this measure. This legislation is vital to my district in northeastern Oklahoma. Among many provisions of this legislation is language authorizing improvements to the McClellan-Kerr Arkansas River Navigation System. This legislation will allow an extension in depth from its current 9 feet to 12 feet.

This extension represents a significant step in economic development and

job growth in northeastern Oklahoma. Just the increase in depth from 9 to 12 feet means that barges can carry 40 percent more cargo.

Mr. Chairman, there are over 65 industries on the Oklahoma segment of the navigation system providing direct employment for over 4,000 people. The annual payroll for these hardworking Oklahomans is more than \$85 million a year. Over the past 25 years, the navigation system has created 54,000 jobs, paying an average of \$78 million annually. The Tulsa port of Catoosa is home to a foreign trade zone and 42 countries have traded in our area via this navigation system. The expansion of the McClellan-Kerr system brings remarkable prospects for jobs, growth and development.

Not only will this legislation build up current businesses, but will allow Oklahoma to go after new businesses such as Boeing. The passage of this measure is part of my commitment to bring industry and quality jobs to Oklahoma. It is good news for hardworking Oklahomans and a cornerstone of our economic recovery.

Mr. Chairman, I cannot emphasize enough the importance of H.R. 2557, and I urge my colleagues to join me in my support for this measure.

Mr. COSTELLO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the subcommittee.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the work of the gentleman from Illinois (Mr. COSTELLO), as well as our chairman, the gentleman from Tennessee (Mr. DUNCAN). It has truly been one of the pleasures for me this Congress, watching the work that has been done in the subcommittee developing a broad range of inputs, looking with fresh eyes at some of the most important environmental and infrastructure issues that the country faces.

I am pleased that we now have a bill that is done right, which can enhance our country's ports, navigation and flood control, as well as the environment, and, ultimately, I am convinced will save the taxpayers money.

We are finally dealing with a number of Corps reform issues that heretofore had bogged down previous bills, including last year's bill. We now have, as has been referenced, independent review of costly and controversial projects, one of the key issues for me over the course of my tenure on this committee. And we are beginning a conversation about updating the Corps' principles and guidelines. These operating principles have not been updated in 20 years. The facts are that we have learned a great deal about our water resources projects, what works and what does not, in that time, and I look forward to working with our committee leadership, especially since the National Academy of Science is set to finish a report on updating the principles and guidelines this fall.

I am pleased that there was an amendment that I offered adopted to

give the Corps more flexibility in its planning process to take into account economic benefits of environmental restoration and environmental benefits of economic restoration. It asks the Corps to calculate the residual flood risk of a project, such as downstream impacts of a structural project like a levee. Our intent is to encourage the Corps to be able to do more non-structural flood control projects which are clearly beneficial for the environment and the taxpayers, even though these benefits are sometimes more difficult to calculate.

This bill does take important steps that I think will help enhance the credibility of the Corps of Engineers. I must caution, however, that we have got to be continuing our work on the independent review process. It is not exactly as I personally would design it. It gives a bit more discretion, frankly, to the Chief of Engineers and the Secretary of the Army than I think is helpful in terms of providing that clear picture that is important for the integrity of the Corps, but I think this is an important start.

I have some concerns about environmental streamlining provisions. I am all for dealing with ways that can shorten the planning and construction process, but not at the expense of the benefits that are required. Reports from the National Academy of Science show that delays in Corps projects are often caused by their complexity and inconsistent funding; and, occasionally, frankly, we run into problems because people try and jam through things and not follow the process, which creates problems in the long run.

Last but not least, I am very concerned about protections for destruction of our Nation's wetlands. I plan on coming back and speaking on an amendment offered by the gentleman from Wisconsin (Mr. KIND). But on balance, I think this bill moves us in the right direction. It starts a conversation about refining some important areas, and it is testimony to the hard work of our committee leadership in allowing us to come together and do the legislation the people deserve, which I appreciate.

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT) for the purpose of engaging in a colloquy.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time, and for including in the manager's amendment language authorizing construction of a second aquatic invasive species dispersal barrier on the Chicago Ship and Sanitary Canal. I also thank the chairman for authorizing a study of and construction of needed improvements to the existing, temporary barrier.

As the chairman is aware, these barriers are the last line of defense against an aggressive aquatic invasive species called the Asian carp. This menace is now well within 50 miles of Lake Michigan and approaching fast. I very

much appreciate what the committee has done in this bill to halt the spread of invasive species like the Asian carp.

I remain concerned, however, about the cost-sharing requirements and the burden on the State of Illinois. I do not want anything to delay the timely construction of a better permanent barrier.

□ 1645

Mr. DUNCAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, the Corps of Engineers is currently evaluating a test barrier that was authorized under the National Invasive Species Act in 1996. At the same time, the Corps is studying the potential of building a second barrier under a continuing authority for small projects. I will work with the gentlewoman and be glad to do so to see that this project is not delayed.

This is a serious matter that involves the missions of several Federal agencies and impacts the entire Great Lakes region. The committee plans to work on a reauthorization of the National Invasive Species Act during the next session. I am willing to work with the gentlewoman as we work on that legislation to encourage a regional and multi-agency response to this problem.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for his response, and I look forward to working with him to see that the Asian carp, and other species like it, do not make it into the Great Lakes.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I thank the chairman and the gentleman from Illinois (Mr. COSTELLO), ranking member, and certainly the gentleman from Minnesota (Mr. OBERSTAR), et cetera.

I rise today to speak in favor of the Water Resources Development Act and to share with my colleagues an experience that I have had in Indianapolis, Indiana of the transformative power of this legislation. As this poster will reveal, it is almost like a tale of two cities, what used to be the worst of times and which is now the very best of times because of the incredible assistance that we received in Indianapolis, that we benefitted from funding from the committee, and in August of 2002 the gentleman from Oregon (Mr. BLUMENAUER) was in Indianapolis; the gentleman from Minnesota (Mr. OBERSTAR) was there just a couple of months ago. I was happy to share my experience with my constituents and my colleagues and countless other visitors who have come. We can tell before we received the water appropriation for Indianapolis, the picture to my right revealed the old city that had the dilapidated landscape. The walls of the waterfront were sort of falling down. And because of the yeoman's work of

the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Illinois (Mr. COSTELLO), ranking member, and the gentleman from Minnesota (Mr. OBERSTAR), we have been able to transform the city. And I thought it was imperative that I came down and said thanks on behalf of the city to these incredible, wonderful gentlemen who were very beneficial in seeing to it that we got the appropriation, and now that we have the White River there that will carry commerce back and forth from the Ohio River and connecting us to the rest of the world.

From the days we have come a long way, finally turning our attention to the river, and I just wanted to thank them so very much, everybody that was involved in ascertaining that this happen.

Mr. DUNCAN. Mr. Chairman, I thank the gentlewoman from Indiana for her kind words.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Ms. HARRIS), another member who has worked hard on certain parts of this legislation.

Ms. HARRIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my vigorous support for the Water Resources and Development Act, particularly in view of the essential reforms it contains. In my home State of Florida and across America, coastal communities rely upon effective flood control and the maintenance of navigable channels as their economic lifeblood. For example, Port Manatee, which is served by a federally maintained channel, is an essential economic engine for southwest Florida. According to a study conducted by Economic Research Associates, the port supported more than 22,000 jobs in 2002, while contributing in excess of \$2.3 billion to the local economy. A successful partnership between the Army Corps of Engineers and the port's local leadership in dredging and expansion of the harbor helped produce these stunning economic achievements.

Nevertheless, the protection of sensitive ecosystems remains essential to preserving our quality of life in Florida. Additionally, our achievement of this goal has become indispensable to the health of our number one industry, tourism. Thus we simply cannot afford to neglect our infrastructure nor our environment. Fortunately, the Water Resources and Development Act strikes an effective balance between these purposes. The act mandates additional project development reform, while imposing more requirements that directly mitigate the impact of projects upon fish and wildlife.

Further, the act removes several impediments to the creation of partnerships between the Army Corps of Engineers and non-Federal sponsors. This reform will not only expedite project execution, it will engage the expertise of our local communities, which know

best how to protect our sensitive ecological areas.

An outstanding partnership between the Army Corps of Engineers and the City of Bradenton received the Hammer Award from former Vice President Al Gore, due to their outstanding efforts in connection with flood control projects on Wares Creek in Manatee County. Working together, the Gore and the city of Bradenton saved taxpayers more than \$600,000 by accelerating the start date of this project by 2½ years.

This reauthorization measure reaffirms the Federal Government's commitment to shoreline protection. Regrettably, the argument persists that the Army Corps of Engineers should not engage in beach nourishment projects. This perspective appears rooted in the erroneous assumption that such projects constitute a taxpayer-funded tourist entitlement.

Quite to the contrary, beach nourishment provides an economical solution to storm damage, while protecting shorefront structures and critical wildlife habitats from the punishing effects of future hurricanes and tropical storms. As we assess the effect of storms like Isabel, we must consider every possible means of reducing their costs. In my district, beaches such as Lido Key in the city of Sarasota routinely endure the effects of the storms that batter our region.

Mr. Chairman, the Army Corps of Engineers is prepared to apply the valuable lessons we have learned from the mistakes committed in the Everglades and other areas. The Corps has adopted environmental operating principles, while expanding its professional development programs that focus upon environmental protection. We must provide them the tools they need to secure the future of our coastal communities.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Chairman, first let me thank the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Tennessee (Mr. DUNCAN) for their work on this important legislation and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR).

They have brought out a well-balanced Water Resources Development Act, and we appreciate that. This is a good bill for our Nation. It is a good bill for the people that I represent, and I thank them very much for their courtesies.

I particularly wanted to mention a project authorized in the manager's amendment to restore the stream ecosystem of the Gwynns Falls in Baltimore City. This is a complicated project that has been under study by the Corps and local jurisdictions now since we first authorized the study in April of 1992; so it has been a long time.

The authorization of this ecosystem restoration stream builds on the successful work we have on a greenway/bikepath through the Gwynns Falls. It also is an important part of the Chesapeake Bay program for improving the quality of the water along the bay. We now understand that our watersheds, our streams are a very important part of our work to restore the Chesapeake Bay, and the work done along the Gwynns Falls will be very helpful in that regard.

Let me also mention the fact that Baltimore is currently under a court order to replace its aging sewer system. We need to modernize our sewer system. In doing the work along the Gwynns Falls, we also will be advancing the work of the replacement of our aged sewer system. So for all these reasons, this project is a win-win for our environment, for the appropriate use of our lands. And I want to thank all of them for including this project. I know it was complicated. I know it was difficult, and we thank them very much.

Mr. DUNCAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), former ranking member of this subcommittee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Illinois (Mr. COSTELLO) for yielding me this time.

I would like to congratulate the chairman and the ranking member for their excellent work. This is a piece of legislation that is overdue, and we can only hope that the Senate will not be the usual dead weight on this issue and will actually move this needed bill through.

This bill would go a long way toward helping many communities across the United States meet Federal mandates. There is a lot of talk around here in Washington, D.C. about unfunded mandates. The law is replete with unfunded mandates.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman must refrain from improper references to the Senate.

Mr. DEFAZIO. Mr. Chairman, I thought that we were able to talk about the reality that there are people on the other side of the Capitol.

The CHAIRMAN. References to the Senate as "dead weight" are not proper.

Mr. DEFAZIO. I understand, Mr. Chairman. I certainly meant not to impugn the other body with that statement, just to talk about the reality of what has happened to the Water Resources Development Act in the past.

But to continue, there are a number of Federal mandates that would be helpful to our local communities and our States if the Water Resources Development Act becomes law. But even more importantly, today in the United States of America, I think, is the fact that this bill represents a real jobs program. We can cut taxes for the wealthy

people until the cows come home, and it is not going to put people back to work in the United States of America. But if we invest in infrastructure, it will. We know that the return on the dividend tax cut was 5 cents on the dollar. For every dollar we borrowed to cut dividend taxes, and we borrowed all that money, we are going to get 5 cents of stimulus to the economy; not a great investment. But for every dollar we borrow, and again we would have to borrow, to invest in water infrastructure, we are going to get \$7, seven times over the impact on the economy. If we spend \$1 billion under the Water Resources Development Act, we get about 45,000 jobs, real jobs, putting Americans back to work. This is an economic stimulus bill.

It is also a bill, as the gentleman who preceded me from Maryland discussed, that helps to deal with environmental problems, and also I want to recognize further that the Corps of Engineers often is subject to criticism, but there is an awful lot of good work that the Corps of Engineers does. I was just up in the mountains of my district last weekend seeing a project they are doing on a reservoir which is to help with fish runs, but also the dam itself was originally built to stop the annual flooding. So there are many good things that the Corps has done and many more that they will do if this legislation becomes law, if whoever else it is who is responsible for passing this somewhere else on Capitol Hill gets their act together.

Mr. DUNCAN. Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

I would urge passage of this legislation. I again thank the gentleman from Tennessee (Mr. DUNCAN), my friend, the chairman of the subcommittee, for all of his hard work on this legislation.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

I likewise would like to thank the gentleman from Illinois (Mr. COSTELLO), ranking member, for his work on this legislation. I used to say that during my 6 years as Chairman of the aviation subcommittee that I knew of no other chairman and ranking member of a subcommittee who got along better than I did with the gentleman from Illinois (Mr. LIPINSKI), my ranking member. We got along with each. Now, I can say the same thing about the gentleman from Illinois (Mr. COSTELLO). There must be something special about people from Illinois, Mr. Chairman, but it has been a pleasure to work with the gentleman from Illinois (Mr. COSTELLO) on this bill. This is the most environmentally friendly Water Resources Development Act that this Congress has ever produced. It is also a good bill for the taxpayers in the provisions that it has to speed up and thus

hold down the cost of these very needed projects around the country.

So like the gentleman from Illinois (Mr. COSTELLO), I urge passage of this bill.

Ms. LIPINSKI. Mr. Chairman, as we debate H.R. 2557, the Water Resources Development Act today, I think it is important to take careful note of intent of the Committee on Transportation and Infrastructure. Section 5007 of the bill in fact instructs that certain projects' reports and construction be expedited. I would like to highlight the fact that the Lucas Berg Pit project is among those reports directed to be expedited.

Lucas Berg Pit is in Worth in my district, the third district of Illinois. Work on Lucas Berg Pit was initiated in FY 2003. This work is ongoing, but it is taking longer than necessary. It is my hope that the Army Corps of Engineers will take notice of the Congressional intent and expedite the Lucas Berg Pit project, as directed in this important water resources legislation. I look forward to working with the Army Corps' Rock Island District on this vital project.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of the Water Resources Development Act of 2003. This legislation is a long time coming.

The Water Resources Development Act of 2003 authorizes \$4 billion dollars worth of new water projects throughout the United States.

Our environmental infrastructure is a vital backdrop to our communities. Congress must continue to work to provide the guidance and resources to the communities across the country that are working to preserve and enhance their environmental infrastructure.

The Water Resources Development Act of 2003 will provide our communities and our Nation with an updated blueprint of the major environmental infrastructure projects that must be undertaken.

Members of the Transportation and Infrastructure Committee, of which I am proud to serve on, and specifically the Water Resources and Environment subcommittee have worked diligently for the past 2 years to produce a bill that works toward addressing our Nation's mounting environmental infrastructure needs. I would like to applaud the work of Ranking Member COSTELLO of the Water Resources and Environment subcommittee for his support and commitment to seeing this legislation through. This legislation is a product of bipartisanship in its purest form.

As all of us are aware, our communities and our Nation must work together to ensure a healthy, productive and efficient environmental infrastructure.

In southern California, where water is quickly becoming a precious commodity, our region is anxious to begin to repair our water infrastructure.

In addition, the Water Resources Development Act of 2003 includes provisions that will enhance dredging and local Federal matches for these projects. Specifically, this bill will provide the Port of Los Angeles the ability to apply in-kind credits to the local match, thereby stretching the impact of precious local funds. This language modifies the project for navigation, Los Angeles Harbor, to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest.

Finally, this bill is a good first step in providing for our environmental infrastructure and

reaffirming our commitment to the American people that the environmental infrastructure in which they live is healthy.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Water Resources Development Act of 2003. This important legislation will authorize critical flood control projects across the country, including authorizing a project for Halls Bayou to be constructed by the local sponsor and reimbursed by the Army Corps of Engineers.

Located in a 42-square-mile watershed in North Central Harris County, Halls Bayou is already an authorized project, but this bill allows for Halls Bayou work to be done more quickly and with more local input, which is what my constituents want.

After Halls Bayou is added as a Section 211(f) project under the Water Resources Development Act of 1996, the local sponsor will be able to pursue the General Reevaluation Review and identify a Federal project that will protect homes and businesses from the risk of flooding.

The local sponsor has already constructed a detention area in the Halls Bayou watershed at Keith. Weiss Park, but a full Federal project is urgently needed. We are also acquiring other areas for detention in anticipation of the new authorization for Halls Bayou.

Back in 2001 Tropical Storm Allison flooded almost 13,000 homes in the Halls Bayou watershed, a tributary of Greens Bayou, which saw another 15,000 homes flooded. Recently Hurricane Isabel showed the Nation the damage one of these storms can do, even to the most developed, advanced nation in the world. And often, it is not the wind that is the problem, it is the water. Isabel showed why Federal flood control projects are needed more than ever in our country.

Clearly the sooner this legislation is approved, the better for my constituents. I would like to express my sincere thanks to Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN, Ranking Member COSTELLO, Texans NICK LAMPSON and EDDIE BERNICE JOHNSON, and to my friend BOB MENENDEZ for their work getting this bill together and looking out for the critical flood control needs of Harris County.

Mr. Chairman, this bill deserves the support of the full House.

Mr. BEREUTER. Mr. Chairman, this Member rises today in strong support of H.R. 2557, the Water Resources Development Act (WRDA). This Member commends the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member on the committee, the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Water Resources and Environment Subcommittee, and the distinguished gentleman from Illinois (Mr. COSTELLO), the ranking member on the subcommittee, for all their hard work in bringing this bill to the floor.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the bill includes necessary provisions which assist the Sand Creek watershed project in Sanders County, NE. Among the many benefits it provides, the Sand Creek project will help meet Federal environmental restoration goals, address local flooding problems and preserve

water quality. The Sand Creek Project can serve as a showcase of emerging science and restoration techniques for secluded wetlands with their multiple environmental benefits to the Great Plains and other States. The project is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The Sand Creek section of the H.R. 2557 allows the local sponsor of the project to complete needed soil, water and other environmental restoration work and ultimately to receive proper financial credit in its matching share of Federal funds in this project. This action would result in significant cost and time savings. Additionally, the enclosed would authorize the Secretary of the Army to accept advance non-Federal project sponsor funds until Federal funds are available in order to move this project forward consistent with State plans to relocate U.S. Highway 77 as an expressway.

The Sand Creek project received conditional authorization in the Water Resources Development Act of 2000. Earlier this year, the Corps formally approved the project. The Sand Creek project has attracted widespread support.

In closing, Mr. Chairman, this Member urges his colleagues to support this important bill.

Mr. ANDREWS. Mr. Chairman, I rise today to take issue with report language included in H.R. 2557, the Water Resources and Development Act that endorses the Army Corps of Engineers' Delaware River Main Channel Deepening project. Although the report language admits that "close scrutiny revealed that the projected benefits of the project might not exceed the projected costs," it goes on to say that "notwithstanding mathematical errors made by the Corps in its original economic analysis, further analysis has demonstrated that the project remains economically justified and the project is continuing." This defies all logic and much evidence to the contrary.

The Delaware River dredging project remains a boondoggle. This ill-advised project continues to undergo tremendous scrutiny that raises more questions than it answers. In June of 2002 the General Accounting Office (GAO) found that the Army Corps of Engineers grossly misrepresented the costs and benefits of the project. The GAO has determined that the economic analysis provided for this project contained a number of "material errors," miscalculations, invalid assumptions, and used significantly outdated information." Based on the GAO findings, the benefit-to-cost ratio of this project is .49 to 1.

Last fall the New Jersey Department of Environmental Protection revoked the Army Corps of Engineers' coastal zone permit for this project. A few months later, during the 2002 Christmas holiday, the Army Corps of Engineers released its "Comprehensive Economic Reanalysis." This report represents an attempt by the Army Corps of Engineers to rework the benefit to cost ratio using a significantly lower discount rate than they have used in all prior cost analysis of the project, a possible violation of their own policy. Additionally, there remain concerns that the benefits of the project continue to be overstated.

A July 14, 2003 report by Dr. Robert Stearns, a former high-ranking Army Corps of Engineers official, says the project will lose money. The report says the Army Corps of Engineers' reanalysis, "does not address the

outstanding issues or the questions raised regarding the project. In fact, the reanalysis raises more questions about his project—questions raised by the independent review panel, questions regarding the process, and questions about the data and models used to justify the project.” Dr. Stearns estimated the project will lose between 50 cents and 25 cents for every dollar the project costs, and could easily fail to meet the cost-benefit test if even one major assertion does not occur.

I will list just a few of the many problems in the Army Corps of Engineers’ reanalysis. One, the Army Corps of Engineers has still not calculated the dramatically higher expense of alternatives to disposing spoils along the river in South Jersey. Second, Army Corps of Engineers economists selectively discounted negative reactions from refiners, who are to be the project’s prime beneficiaries by being able to bring tankers up river more fully laden with oil. Third, they used an “inappropriately low” discount rate, in calculating the benefits. And fourth, the analysis failed to account for assertions by Maritrans, a company that offloads oil from tankers onto barges, that the project likely will not reduce the number of barges it needs.

From an environmental standpoint, there continue to be many questions about the impact on water quality, dredge spoil disposal, and wildlife and aquatic life. The U.S. Fish and Wildlife Service has recently expressed concerns that contaminants in the Delaware River could adversely affect the bald eagle or peregrine falcon population. There remain serious concerns about whether the Army Corps of Engineers has fulfilled the requirements of the Clean Air Act. This is of critical concern considering that much of the project falls in a portion of New Jersey that is in severe non-attainment for ozone.

On September 11, 2003, in his Statement of Administration Policy on S. 1424, the FY04 Energy and Water Development Appropriations bill, President Bush offered more harsh words for this project. The statement expresses concern “that the bill includes excessive funding for studies and design of potential new projects, which would add to the backlog and could unrealistically raise sponsor expectations for near-term construction starts.” The President further objects to the appropriation of “over \$150 million to other work that raises policy concerns, such as directing funds for construction for the Delaware River Main Channel” project.

Mr. Chairman, the Delaware River dredging project is not economically justified and should not move forward.

Mr. ACEVEDO-VILÁ. Mr. Chairman, today, the House considers the Water Resources Development Act, H.R. 2557, a vital piece of legislation, with a significant impact on the quality of life of our citizens. I commend the leadership of the House Transportation and Infrastructure Committee for their steadfast support for this legislation: Chairman YOUNG, Congressman OBERSTAR, Chairman DUNCAN and Congressman COSTELLO deserve our recognition and gratitude for their tireless work on this legislation.

Some will say, that WRDA can wait, that there are other more important pieces of legislation. I am here to tell you that it cannot wait. WRDA is not just about large water infrastructure projects, WRDA has a direct impact on the lives of some of our most vulnerable citi-

zens. I offer you the example of the people living on the edge of the Martín Peña Channel in San Juan, Puerto Rico. For generations, people have lived on what used to be the channel. These people are literally living on top of piles of trash. These are U.S. citizens living in Third World conditions.

For years, as I was growing up in Puerto Rico, politicians would talk about the need to move the families from this area and dredge the channel. It never happened. I have made it my priority to change this situation. We are now on the verge of taking the first and most important step of authorizing the dredging of this channel. I am grateful to the members of the Transportation and Infrastructure Committee, many of which have personally visited this area, for recognizing the importance of this project. I also acknowledge the support of Chairman HOBSON and Congressman VIS-CLOSKY who have included the funding for the necessary planning, engineering and design work in the Energy and Water Appropriations Bill for FY 2004.

Those who have seen the living conditions of the families in the areas around the channel will agree that Congress cannot wait any longer to enact WRDA. I hope we can use this project as an example of why we need WRDA now. I urge my fellow House members to vote for this measure and to send a strong message to the Senate that we need their quick action so we can begin to improve the lives of our most vulnerable citizens.

Mr. EVERETT. Mr. Chairman, a 10-county area in southeast Alabama, which I represent, is almost solely dependent on groundwater sources to supply their drinking water needs. The 10-county region includes Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike counties. Due to the drought conditions during 2000 and 2002, water demand increased by 50 to 80 percent in this region.

The Geological Survey of Alabama conducted a 3-year study beginning in 1997 to map the aquifers currently being used in southeast Alabama and to identify other potential aquifers, most of which are at deeper levels. The results of the study reveal that current and future water withdrawals of groundwater within the Choctawhatchee, Pea, and Yellow Rivers Watershed area will be insufficient to meet future demand. Bullock, Barbour, and Pike counties have the most significant, long-range, high-capacity water resources, some of which have not been developed, but counties to the south, including Houston, Dale, and Coffee, will have to rely on their current aquifers and the possible development of a few deeper aquifers.

The study states, “the development of alternative sources of water, specifically surface impoundments, is essential to the long-range achievement of continued growth, industrial expansion, and prosperity of the citizens in southeastern Alabama.” The Choctawhatchee, Pea, and Yellow Rivers Watershed Management Authority estimates the timeline to build a regional reservoir is approximately 10 years for the reservoir to be operational.

The Corps of Engineers conducted a needs assessment for a regional reservoir in southeast Alabama, which helped to reinforce the need for a reservoir at this time. This was completed in December 2001 and the Corps is currently completing an alternative analysis to be finished by the end of 2003 that should

show the reservoir is the best available option for addressing this concern.

Given these circumstances and the length of time necessary to develop an operational reservoir for water supply purposes, I believe it is imperative that the project receives Congressional authorization to allow the Corps to move forward with design and construction work. Continued delays only prolong the problem and force the local entities to expend scarce resources to develop additional short-term solutions to meet their water supply needs. The more prudent approach is the development of a long-term solution for the region’s water supply needs, which could be accomplished through the development of a regional reservoir.

I look forward to working with the Transportation and Infrastructure Committee next year during the development of the 2004 Water Resources Development Act to authorize the Corps to design and construct a multi-purpose regional reservoir for southeast Alabama.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2557

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 2003”.

(b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.

Sec. 2002. Non-Federal contributions.

Sec. 2003. Harbor cost sharing.

Sec. 2004. Funding to process permits.

Sec. 2005. National shoreline erosion control development and demonstration program.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

- Sec. 2015. Cost sharing.
 Sec. 2016. Credit for work performed before partnership agreement.
 Sec. 2017. Recreation user fee revenues.
 Sec. 2018. Expedited actions for emergency flood damage reduction.
 Sec. 2019. Watershed and river basin assessments.
 Sec. 2020. Tribal partnership program.
 Sec. 2021. Treatment of certain separable elements.
 Sec. 2022. Prosecution of work.
 Sec. 2023. Wildfire firefighting.
 Sec. 2024. Credit for nonconstruction services.
 Sec. 2025. Technical assistance.
 Sec. 2026. Centers of specialized planning expertise.
 Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
 Sec. 2028. Project streamlining.
 Sec. 2029. Lakes program.
 Sec. 2030. Mitigation for fish and wildlife losses.
 Sec. 2031. Cooperative agreements.
 Sec. 2032. Project planning.
 Sec. 2033. Independent peer review.
- TITLE III—PROJECT-RELATED PROVISIONS**
- Sec. 3001. Cook Inlet, Alaska.
 Sec. 3002. King Cove Harbor, Alaska.
 Sec. 3003. Sitka, Alaska.
 Sec. 3004. Tatilek, Alaska.
 Sec. 3005. Nogales Wash and tributaries, Arizona.
 Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
 Sec. 3007. Saint Francis Basin, Arkansas.
 Sec. 3008. American and Sacramento Rivers, California.
 Sec. 3009. Cache Creek Basin, California.
 Sec. 3010. Grayson Creek/Murderer's Creek, California.
 Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
 Sec. 3012. Los Angeles Harbor, Los Angeles, California.
 Sec. 3013. Larkspur Ferry Channel, Larkspur, California.
 Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
 Sec. 3015. Pacific Flyway Center, Sacramento, California.
 Sec. 3016. Pinole Creek, California.
 Sec. 3017. Prado Dam, California.
 Sec. 3018. Sacramento Deep Water Ship Channel, California.
 Sec. 3019. Sacramento River, Glenn-Colusa, California.
 Sec. 3020. San Lorenzo River, California.
 Sec. 3021. Upper Guadalupe River, California.
 Sec. 3022. Walnut Creek Channel, California.
 Sec. 3023. Wildcat/San Pablo Creek Phase I, California.
 Sec. 3024. Wildcat/San Pablo Creek Phase II, California.
 Sec. 3025. Brevard County, Florida.
 Sec. 3026. Broward County and Hillsboro Inlet, Florida.
 Sec. 3027. Gasparilla and Estero Islands, Florida.
 Sec. 3028. Lido Key Beach, Sarasota, Florida.
 Sec. 3029. Manatee Harbor, Florida.
 Sec. 3030. Tampa Harbor, Florida.
 Sec. 3031. Tampa Harbor-Big Bend Channel, Florida.
 Sec. 3032. Miami Harbor, Florida.
 Sec. 3033. Little Wood River, Gooding, Idaho.
 Sec. 3034. Hennepin-Hopper Lakes, Illinois.
 Sec. 3035. Mississippi River and Big Muddy River, Illinois.
 Sec. 3036. Spunky Bottoms, Illinois.
 Sec. 3037. Emiquon, Illinois.
 Sec. 3038. Little Calumet River, Indiana.
 Sec. 3039. White River, Indiana.
 Sec. 3040. Wolf Lake, Indiana.
 Sec. 3041. Prestonsburg, Kentucky.
 Sec. 3042. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 3043. Atchafalaya Basin, Louisiana.
 Sec. 3044. Public access, Atchafalaya Basin Floodway System, Louisiana.
 Sec. 3045. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
 Sec. 3046. Mississippi Delta Region, Louisiana.
 Sec. 3047. New Orleans to Venice, Louisiana.
 Sec. 3048. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
 Sec. 3049. Camp Ellis, Saco, Maine.
 Sec. 3050. Union River, Maine.
 Sec. 3051. Cass River, Spaulding Township, Michigan.
 Sec. 3052. Detroit River Shoreline, Detroit, Michigan.
 Sec. 3053. Water Resources Institute, Muskegon, Michigan.
 Sec. 3054. Saginaw River, Bay City, Michigan.
 Sec. 3055. Ada, Minnesota.
 Sec. 3056. Duluth Harbor, McQuade Road, Minnesota.
 Sec. 3057. Grand Portage Harbor, Minnesota.
 Sec. 3058. Granite Falls, Minnesota.
 Sec. 3059. Minneapolis, Minnesota.
 Sec. 3060. Red Lake River, Minnesota.
 Sec. 3061. Silver Bay, Minnesota.
 Sec. 3062. Taconite Harbor, Minnesota.
 Sec. 3063. Two Harbors, Minnesota.
 Sec. 3064. Deer Island, Harrison County, Mississippi.
 Sec. 3065. Bois Brule Drainage and Levee District, Missouri.
 Sec. 3066. Sand Creek Watershed, Wahoo, Nebraska.
 Sec. 3067. Alamogordo, New Mexico.
 Sec. 3068. Orchard Beach, Bronx, New York.
 Sec. 3069. Times Beach, Buffalo, New York.
 Sec. 3070. Port of New York and New Jersey, New York and New Jersey.
 Sec. 3071. New York State Canal System.
 Sec. 3072. Arcadia Lake, Oklahoma.
 Sec. 3073. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
 Sec. 3074. French Creek, Union City Dam, Pennsylvania.
 Sec. 3075. Lackawanna River at Olyphant, Pennsylvania.
 Sec. 3076. Lackawanna River at Scranton, Pennsylvania.
 Sec. 3077. Raystown Lake, Pennsylvania.
 Sec. 3078. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
 Sec. 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania.
 Sec. 3080. South Central Pennsylvania.
 Sec. 3081. Wyoming Valley, Pennsylvania.
 Sec. 3082. Little Limestone Creek, Jonesborough, Tennessee.
 Sec. 3083. Cedar Bayou, Texas.
 Sec. 3084. Lake Kemp, Texas.
 Sec. 3085. Lower Rio Grande Basin, Texas.
 Sec. 3086. North Padre Island, Corpus Christi Bay, Texas.
 Sec. 3087. Proctor Lake, Texas.
 Sec. 3088. San Antonio Channel, San Antonio, Texas.
 Sec. 3089. Elizabeth River, Chesapeake, Virginia.
 Sec. 3090. Roanoke River Upper Basin, Virginia.
 Sec. 3091. Blair and Sitcum Waterways, Tacoma Harbor, Washington.
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 Sec. 3096. Project reauthorizations.
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 Sec. 3100. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia.
- TITLE IV—STUDIES**
- Sec. 4001. John Glenn Great Lakes basin program.
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 Sec. 4008. Sacramento River, California.
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 Sec. 4025. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
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 Sec. 4028. Grand County and Moab, Utah.
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 Sec. 4030. Sprague, Lincoln County, Washington.
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- TITLE V—MISCELLANEOUS PROVISIONS**
- Sec. 5001. Maintenance of navigation channels.
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 Sec. 5008. Expedited completion of reports for certain projects.
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 Sec. 5016. Montgomery, Alabama.
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 Sec. 5023. Loomis Landing, Arkansas.
 Sec. 5024. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.
 Sec. 5025. St. Francis River Basin, Arkansas and Missouri.
 Sec. 5026. Cambria, California.

- Sec. 5027. *Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.*
- Sec. 5028. *East San Joaquin County, California.*
- Sec. 5029. *Sacramento Area, California.*
- Sec. 5030. *Sacramento Deep Water Ship Channel, California.*
- Sec. 5031. *San Francisco, California.*
- Sec. 5032. *San Francisco, California, waterfront area.*
- Sec. 5033. *Stockton, California.*
- Sec. 5034. *Charles Hervey Townshend Breakwater, Connecticut.*
- Sec. 5035. *Everglades restoration, Florida.*
- Sec. 5036. *Florida Keys water quality improvements.*
- Sec. 5037. *Lake Worth, Florida.*
- Sec. 5038. *Lake Lanier, Georgia.*
- Sec. 5039. *Riley Creek recreation area, Idaho.*
- Sec. 5040. *Reconstruction of Illinois flood protection projects.*
- Sec. 5041. *Kaskaskia River basin, Illinois, restoration.*
- Sec. 5042. *Natalie Creek, Midlothian and Oak Forest, Illinois.*
- Sec. 5043. *Peoria riverfront development, Peoria, Illinois.*
- Sec. 5044. *Illinois River basin restoration.*
- Sec. 5045. *Calumet region, Indiana.*
- Sec. 5046. *Rathbun Lake, Iowa.*
- Sec. 5047. *Cumberland River Basin, Kentucky.*
- Sec. 5048. *Mayfield Creek and tributaries, Kentucky.*
- Sec. 5049. *North Fork, Kentucky River, Breathitt County, Kentucky.*
- Sec. 5050. *Southern and Eastern Kentucky.*
- Sec. 5051. *Coastal Louisiana ecosystem protection and restoration.*
- Sec. 5052. *Baton Rouge, Louisiana.*
- Sec. 5053. *West Baton Rouge Parish, Louisiana.*
- Sec. 5054. *Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.*
- Sec. 5055. *Delmarva conservation corridor, Maryland.*
- Sec. 5056. *Detroit River, Michigan.*
- Sec. 5057. *Oakland County, Michigan.*
- Sec. 5058. *St. Clair River and Lake St. Clair, Michigan.*
- Sec. 5059. *Garrison and Kathio Township, Minnesota.*
- Sec. 5060. *Northeastern Minnesota.*
- Sec. 5061. *Desoto County, Mississippi.*
- Sec. 5062. *Harrison, Hancock, and Jackson Counties, Mississippi.*
- Sec. 5063. *Mississippi River, Missouri, and Illinois.*
- Sec. 5064. *St. Louis, Missouri.*
- Sec. 5065. *Hackensack Meadowlands area, New Jersey.*
- Sec. 5066. *Atlantic Coast of New York.*
- Sec. 5067. *College Point, New York City, New York.*
- Sec. 5068. *Flushing Bay and Creek, New York City, New York.*
- Sec. 5069. *Little Neck Bay, Village of Kings Point, New York.*
- Sec. 5070. *Onondaga Lake, New York.*
- Sec. 5071. *John H. Kerr Dam and Reservoir, North Carolina.*
- Sec. 5072. *Stanly County, North Carolina.*
- Sec. 5073. *Central Riverfront Park, Cincinnati, Ohio.*
- Sec. 5074. *Piedmont Lake Dam, Ohio.*
- Sec. 5075. *Ohio.*
- Sec. 5076. *Waurika Lake, Oklahoma.*
- Sec. 5077. *Columbia River, Oregon.*
- Sec. 5078. *Eugene, Oregon.*
- Sec. 5079. *John Day Lock and Dam, Lake Umatilla, Oregon and Washington.*
- Sec. 5080. *Lowell, Oregon.*
- Sec. 5081. *Hagerman's Run, Williamsport, Pennsylvania.*
- Sec. 5082. *Northeast Pennsylvania.*
- Sec. 5083. *Susquehannock Campground access road, Raystown Lake, Pennsylvania.*
- Sec. 5084. *Upper Susquehanna River basin, Pennsylvania and New York.*
- Sec. 5085. *Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.*
- Sec. 5086. *Cano Martin Pena, San Juan, Puerto Rico.*
- Sec. 5087. *Beaufort and Jasper Counties, South Carolina.*
- Sec. 5088. *Cooper River, South Carolina.*
- Sec. 5089. *Lakes Marion and Moultrie, South Carolina.*
- Sec. 5090. *Upper Big Sioux River, Watertown, South Dakota.*
- Sec. 5091. *Fritz Landing, Tennessee.*
- Sec. 5092. *Memphis, Tennessee.*
- Sec. 5093. *Town Creek, Lenoir City, Tennessee.*
- Sec. 5094. *Tennessee River partnership.*
- Sec. 5095. *Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.*
- Sec. 5096. *Harris County, Texas.*
- Sec. 5097. *Harris Gully, Harris County, Texas.*
- Sec. 5098. *Onion Creek, Texas.*
- Sec. 5099. *Pelican Island, Texas.*
- Sec. 5100. *Front Royal, Virginia.*
- Sec. 5101. *Richmond National Battlefield Park, Richmond, Virginia.*
- Sec. 5102. *Baker Bay and Ilwaco Harbor, Washington.*
- Sec. 5103. *Chehalis River, Centralia, Washington.*
- Sec. 5104. *Hamilton Island Campground, Washington.*
- Sec. 5105. *Puget Island, Washington.*
- Sec. 5106. *Bluestone, West Virginia.*
- Sec. 5107. *West Virginia and Pennsylvania flood control.*
- Sec. 5108. *Lower Kanawha River Basin, West Virginia.*
- Sec. 5109. *Central West Virginia.*
- Sec. 5110. *Southern West Virginia.*
- Sec. 5111. *Construction of flood control projects by non-Federal interests.*
- Sec. 5112. *Bridge authorization.*
- Sec. 5113. *Additional assistance for critical projects.*
- Sec. 5114. *Use of Federal hopper dredge fleet.*
- SEC. 2. DEFINITION OF SECRETARY.**
In this Act, the term "Secretary" means the Secretary of the Army.
- TITLE I—WATER RESOURCES PROJECTS**
- SEC. 1001. PROJECT AUTHORIZATIONS.**
Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:
- (1) **AMERICAN RIVER WATERSHED, CALIFORNIA.**—The project for flood damage reduction and environmental restoration, American River Watershed, California: Report of the Chief of Engineers, dated November 5, 2002, at a total cost of \$257,300,000, with an estimated Federal cost of \$201,200,000 and an estimated non-Federal cost of \$56,100,000; except that the Secretary is authorized to accept funds from State and local governments and other Federal agencies for the purpose of constructing a permanent bridge instead of the temporary bridge described in the recommended plan and may construct such permanent bridge if all additional costs for such bridge, above the \$36,000,000 provided for in the recommended plan for bridge construction, are provided by such governments or agencies.
- (2) **PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**—The project for environmental restoration, Pine Flat Dam and Reservoir, Fresno County, California: Report of the Chief of Engineers, dated July 19, 2002, at a total cost of \$38,480,000, with an estimated Federal cost of \$24,930,000 and an estimated non-Federal cost of \$13,550,000.
- (3) **SOUTH PLATTE RIVER, DENVER, COLORADO.**—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of \$17,997,000, with an estimated Federal cost of \$11,698,000 and an estimated non-Federal cost of \$6,299,000.
- (4) **MORGANZA TO THE GULF OF MEXICO, LOUISIANA.**—
(A) **IN GENERAL.**—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Report of the Chief of Engineers, dated August 23, 2002, at a total cost of \$719,000,000, with an estimated Federal cost of \$467,000,000 and an estimated non-Federal cost of \$252,000,000.
- (B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.
- (5) **SMITH ISLAND, MARYLAND.**—The project for environmental restoration and protection, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of \$8,000,000, with an estimated Federal cost of \$5,200,000 and an estimated non-Federal cost of \$2,800,000.
- (6) **CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.**—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of \$153,808,000, with an estimated Federal cost of \$73,554,000 and an estimated non-Federal cost of \$80,254,000.
- (7) **MATAGORDA BAY, TEXAS.**—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Route, Texas: Report of the Chief of Engineers, dated December 4, 2002, at a total cost of \$14,515,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.
- (8) **RIVERSIDE OXBOW, FORT WORTH, TEXAS.**—
(A) **IN GENERAL.**—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of \$22,200,000, with an estimated Federal cost of \$9,180,000 and an estimated non-Federal cost of \$13,020,000.
- (B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.
- (9) **DEEP CREEK, CHESAPEAKE, VIRGINIA.**—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of \$22,178,000.
- SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.**
(a) **IN GENERAL.**—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):
- (1) **CACHE RIVER BASIN, GRUBBS, ARKANSAS.**—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.
- (2) **SANTA ANA RIVER BASIN AND ORANGE COUNTY STREAMS, CALIFORNIA.**—Project for flood damage reduction, Santa Ana River basin and Orange County streams, California.
- (3) **STONY CREEK, OAK LAWN, ILLINOIS.**—Project for flood damage reduction, Stony Creek, Oak Lawn, Illinois.
- (4) **OLIVE HILL AND VICINITY, KENTUCKY.**—Project for flood damage reduction, Olive Hill and vicinity, Kentucky.

(5) NASHUA RIVER, FITCHBURG, MASSACHUSETTS.—Project for flood damage reduction, Nashua River, Fitchburg, Massachusetts.

(6) SAGINAW RIVER, HAMILTON DAM, FLINT, MICHIGAN.—Project for flood damage reduction, Saginaw River, Hamilton Dam, Flint, Michigan.

(7) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(8) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.

(9) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(10) TWIN VALLEY LAKE, WILD RICE RIVER, MINNESOTA.—Project for flood damage reduction, Twin Valley Lake, Wild Rice River, Minnesota.

(11) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(12) MCKEEL BROOK, NEW JERSEY.—Project for flood damage reduction, McKeel Brook, New Jersey.

(13) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(14) RAMAPO RIVER, TOWN OF MONROE AND VILLAGES OF MONROE, KIRYAS JOEL, AND HARRIMAN, NEW YORK.—Project for flood damage reduction, Ramapo River, Town of Monroe and Villages of Monroe, Kiryas Joel, and Harriman, New York.

(15) LITTLE MILL CREEK, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Little Mill Creek, Southampton, Pennsylvania.

(16) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(17) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(9) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

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) OUACHITA AND BLACK RIVERS, ARKANSAS.—Project for emergency streambank protection, Ouachita and Black Rivers, Arkansas.

(2) MELVINA DITCH, CHICAGO RIDGE, ILLINOIS.—Project for emergency streambank protection for the east side of Melvina Ditch in the vicinity of 96th Street and Nashville Avenue, Chicago Ridge, Illinois.

(3) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(4) SHREWSBURY RIVER, RUMSON, NEW JERSEY.—Project for emergency streambank protection, Shrewsbury River, Rumson, New Jersey.

(5) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

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

determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) EVANSTON, ILLINOIS.—Project for navigation, Evanston, Illinois.

(3) NIAGARA FRONTIER TRANSPORTATION AUTHORITY BOAT HARBOR, BUFFALO, NEW YORK.—Project for navigation, Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) WOODLAWN MARINA, LACKAWANNA, NEW YORK.—Project for navigation, Woodlawn Marina, Lackawanna, New York.

(5) BAKER BAY AND ILWACO HARBOR, WASHINGTON.—Project for navigation, Baker Bay and Ilwaco Harbor, Washington.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

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

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

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

(1) COLORADO RIVER, YUMA, ARIZONA.—Project for aquatic ecosystem restoration, Colorado River, Yuma, Arizona.

(2) CHINO VALLEY, CALIFORNIA.—Project for aquatic ecosystem restoration, Chino Valley, California.

(3) NEW AND ALAMO RIVERS, IMPERIAL COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, New and Alamo Rivers, Imperial County, California, including efforts to address invasive aquatic plant species.

(4) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(5) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(6) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(7) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(8) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(9) CHATTAHOOCHEE RIVER, COLUMBUS, GEORGIA, AND PHENIX CITY, ALABAMA.—Project for aquatic ecosystem restoration, City Mills Dam and Eagle and Phenix Dam, Chattahoochee River, Columbus, Georgia, and Phenix City, Alabama.

(10) CHATTAHOOCHEE RIVER AND OCMULGEE RIVER BASINS, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee River and Ocmulgee River basins, Gwinnett County, Georgia.

(11) SNAKE RIVER, JEROME, IDAHO.—Project for aquatic ecosystem restoration, Snake River, Jerome, Idaho.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out

the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g): Project for shoreline protection, Nelson Lagoon, Alaska.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

SEC. 2001. ANNUAL PASSES FOR RECREATION.

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d-3 note; 110 Stat. 3681; 113 Stat. 294) is amended by striking "the December 31, 2003" and inserting "December 31, 2004".

SEC. 2002. NON-FEDERAL CONTRIBUTIONS.

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

"(n) NON-FEDERAL CONTRIBUTIONS.—
 "(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.
 "(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act."

SEC. 2003. HARBOR COST SHARING.

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking "45 feet" and inserting "53 feet".

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking "45 feet" and inserting "53 feet".

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking "45 feet" and inserting "53 feet".

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

SEC. 2004. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking "2003" and inserting "2005".

SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking "6 years" and inserting "10 years".

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking "3 years" and inserting "6 years".

(c) COST-SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **COST SHARING.**—The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

“(4) **REMOVAL OF PROJECTS.**—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking “\$21,000,000” and inserting “\$31,000,000”.

SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

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

(1) in subsection (a)—

(A) by striking “under the provisions” and all that follows through “under any other” and inserting “under any”;

(B) by inserting “partnership” after “written”;

(C) by striking “Secretary of the Army to furnish its required cooperation for” and inserting “district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of”;

(D) by inserting after “\$25,000.” the following: “Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) **LIMITATION.**—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that a partnership agreement meets all requirements of law and policies of the Secretary in effect on the date of entry into the partnership agreement.”.

(b) **LOCAL COOPERATION.**—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking “shall” the first place it appears and inserting “may”;

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after “injunction, for” the following: “payment of liquidated damages or, for”;

(B) by striking “to collect a civil penalty imposed under this section,”; and

(C) by striking “any civil penalty imposed under this section,” and inserting “any liquidated damages,”.

(c) **APPLICABILITY.**—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) **REFERENCES.**—

(1) **TO COOPERATION AGREEMENTS.**—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be treated to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) **TO PARTNERSHIP AGREEMENTS.**—Any reference to a partnership agreement or project

partnership agreement in this Act (other than this section) shall be treated as a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) **IN GENERAL.**—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2004 through 2008.

SEC. 2008. COMPILATION OF LAWS.

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2004, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2004, the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 2009. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694-3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

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

“(c) **GOVERNMENTAL PARTNERSHIPS.**—

“(1) **IN GENERAL.**—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

“(2) **PUBLIC FINANCING.**—

“(A) **AGREEMENTS.**—

“(i) **SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.**—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

“(ii) **MANAGEMENT OF SEDIMENTS.**—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

“(iii) **CREDIT.**—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

“(B) **CREDIT.**—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.”; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated—

(A) by inserting “and maintenance” after “operation”;

(B) by inserting “processing, treatment, or” after “dredged material” the first place it appears.

SEC. 2010. WETLANDS MITIGATION.

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

SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.

(a) **IN GENERAL.**—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) **JUSTIFICATION.**—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.

(a) *IN GENERAL.*—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

“(c) *IN GENERAL.*—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

“(d) *COOPERATIVE AGREEMENT.*—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

“(e) *SPECIAL RULE.*—Construction of a project under subsection (a) for the protection and restoration of aquatic and ecologically related habitat the cost of which does not exceed \$750,000 and which will be located in a disadvantaged community as determined by the Secretary may be carried out at Federal expense.

“(f) *DETERMINATION OF CONSTRUCTION COSTS.*—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

“(g) *SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.*—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (d).

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

“(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$30,000,000 annually for projects under this section of which not more than \$3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

“(j) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including poten-

tial beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.”.

(b) *REPEAL.*—

(1) *IN GENERAL.*—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) *HOLD HARMLESS.*—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) *PRIORITY AREAS.*—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to a project for the beaches of Bogues Bank in the vicinity of Morehead City, North Carolina, and a project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.

“The Secretary shall waive local cost-sharing requirements up to \$500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).”.

SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2015. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

SEC. 2017. RECREATION USER FEE REVENUES.

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

(1) in subsection (a)(1) by striking “During fiscal years 1999 through 2002, the” and inserting “The”; and

(2) in subsection (a)(3) by striking “September 30, 2005” and inserting “expended”.

SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) *IN GENERAL.*—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) Sacramento-San Joaquin Delta, California.”;

(2) by striking paragraph (1) of subsection (f) and inserting the following:

“(1) *NON-FEDERAL SHARE.*—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.”; and

(3) by striking subsection (g).

(b) *REVISION OF PARTNERSHIP AGREEMENT.*—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.

Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after “Code” the following “, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations”.

SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.

(a) *IN GENERAL.*—If, in carrying out a water resources project, the Secretary identifies a separable element that would advance a primary mission of the Corps of Engineers, with benefits that could be achieved more cost-effectively if carried out in conjunction with the project, the Secretary, in consultation with the non-Federal interest, may carry out such separable element at Federal expense if the cost of such separable element does not exceed 3 percent of the Federal project cost and does not exceed \$1,000,000.

(b) *OPERATION AND MAINTENANCE.*—Operation and maintenance of a separable element of a project carried out under this section shall be a non-Federal responsibility.

(c) *LIMITATION ON STATUTORY CONSTRUCTION.*—Nothing in this section shall be construed to increase the amount authorized to be appropriated for a project beyond that amount authorized by law or to provide a separate authorization of appropriations.

SEC. 2022. PROSECUTION OF WORK.

Section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is amended by inserting after “harbors” the following: “, including any planning, engineering, design, construction, operation, and maintenance.”.

SEC. 2023. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting “the Secretary of the Army,” after “the Secretary of Energy.”.

SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.

(a) *IN GENERAL.*—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for implementation of the project.

(b) *LIMITATION.*—Credit authorized under subsection (a)—

(1) shall not exceed the non-Federal share of project costs;

(2) shall not alter any other requirements that require a non-Federal interest to provide lands, easements, rights-of-way, and dredged material disposal areas for the project;

(3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are compatible with and necessary for the project.

SEC. 2025. TECHNICAL ASSISTANCE.

Section 22 of Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a) by striking “The Secretary” and inserting the following:

“(a) *FEDERAL STATE COOPERATION.*—

“(1) *COMPREHENSIVE PLANS.*—The Secretary”;

(2) by inserting after the last sentence in subsection (a) the following:

“(2) *TECHNICAL ASSISTANCE.*—

“(A) *IN GENERAL.*—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

“(B) *TYPES OF ASSISTANCE.*—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.”

(3) in subsection (b)(1) by striking “this section” each place it appears and inserting “subsection (a)(1)”;

(4) in subsection (c) by striking “(c) There is” and inserting the following:

“(c) *AUTHORIZATION OF APPROPRIATIONS.*—

“(1) *FEDERAL AND STATE COOPERATION.*—There is”;

(5) in subsection (c) strike “the provisions of this section” and insert “subsection (a)(1)”;

(6) by inserting at the end of subsection (c) the following:

“(2) *TECHNICAL ASSISTANCE.*—There is authorized to be appropriated \$5,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.”

SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPERTISE.

(a) *ESTABLISHMENT.*—The Secretary is authorized to establish centers to provide specialized planning expertise for water resources projects to be carried out by the Secretary to enhance and supplement the capabilities of the districts of the Army Corps of Engineers.

(b) *DUTIES.*—A center of expertise shall have the following duties:

(1) Providing technical and managerial assistance to district engineers for project planning, development, and implementation.

(2) Providing peer reviews of new major scientific, engineering, or economic methods, models or analyses that will be used to support decisions of the Secretary with respect to feasibility studies.

(3) Providing support for external peer review panels convened by the Secretary.

(4) Performing such other duties as prescribed by the Secretary.

SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) *NOTICE OF INTENT.*—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, environmental restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) *PROCEDURAL REQUIREMENTS.*—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) *SCHEDULING AGREEMENT.*—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) *CONTENTS OF AGREEMENT.*—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest’s responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) *REVISION OF AGREEMENT.*—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) *FINAL DECISION.*—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) *REIMBURSEMENT.*—

(1) *COSTS OF COORDINATION.*—The costs incurred by the Secretary to establish and carry

out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(2) *COSTS INCURRED TO EXPEDITE PERMITS AND REVIEWS.*—

(A) *ACCEPTANCE OF NON-FEDERAL FUNDS.*—The Secretary may accept funds from the non-Federal interest to hire additional staff or obtain the services of consultants, or to provide financial, technical, and administrative support to agencies that have entered into an agreement with the Secretary under subsection (c) with respect to a project in order to facilitate the timely processing, review, and completion of applicable Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permits for the project.

(B) *USE OF FUNDS.*—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) *ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.*—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide notwithstanding any activities carried out under this section and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) *REPORT ON TIMESAVINGS METHODS.*—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, environmental restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2028. PROJECT STREAMLINING.

(a) *POLICY.*—The benefits of water resources projects are important to the Nation’s economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) *SCOPE.*—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) *WATER RESOURCES PROJECT REVIEW PROCESS.*—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) *COORDINATED REVIEWS.*—

(1) *IN GENERAL.*—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) *AGENCY PARTICIPATION.*—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy,

and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—As an official of the lead Federal agency that is responsible for carrying out a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and as the Federal agency with expertise in water resources development, the Secretary, in carrying out such study and process, shall—

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

(2) STREAMLINING STUDY.—To streamline a study to which this section applies and its associated process for meeting the requirements of

the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary may eliminate from consideration any alternatives the Secretary determines are not reasonable or are not reasonably anticipated to meet project purposes and needs.

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

(k) CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for water resources projects.

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

SEC. 2029. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking “and” at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

“(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(21) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

“(22) Greenwood Lake, Greenwood Lake, New York, removal of silt and aquatic growth; and

“(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.”.

SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

“(3) COMPLETION OF MITIGATION.—In those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.”.

(b) MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended by adding at the end the following:

“(3) CONTENTS.—A mitigation plan shall include—

“(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

“(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

“(C) the type, amount, and characteristics of the habitat being restored;

“(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

“(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring, and to the extent practicable, the entities responsible for any monitoring.

“(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.”.

(c) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2031. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than \$1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed \$5,000,000 in any fiscal year.

SEC. 2032. PROJECT PLANNING.

(a) OBJECTIVES.—

(1) FLOOD CONTROL, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to

maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

(3) **PROJECTS WITH MULTIPLE PURPOSES.**—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated, based on the relevant Federal objective identified under paragraphs (1) and (2).

(4) **SELECTION OF PROJECT ALTERNATIVES.**—

(A) **IN GENERAL.**—Notwithstanding the Federal objectives identified in this subsection, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason based upon other Federal, State, local, or international concerns.

(B) **FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) **ECOSYSTEM RESTORATION PROJECTS.**—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative is feasible and achieves the project purpose while providing greater economic development benefits.

(b) **IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.**—

(1) **PRIMARILY ECONOMIC BENEFITS.**—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(2) **PRIMARILY ECOSYSTEM RESTORATION BENEFITS.**—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(3) **RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.**—Any separate project or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project under study and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of both projects or separable elements.

(c) **CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.**—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and non-structural alternatives are evaluated in an equitable manner.

SEC. 2033. INDEPENDENT PEER REVIEW.

(a) **PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.**—

(1) **IN GENERAL.**—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) **SCOPE.**—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) **PROJECT STUDIES SUBJECT TO PEER REVIEW.**—

(A) **MANDATORY.**—A project study shall be subject to peer review under paragraph (1) if the project has an estimated total cost of more than \$50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6).

(B) **DISCRETIONARY.**—A project study may be subject to peer review if—

(i) the Governor of an affected State requests a peer review by an independent panel of experts;

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial.

(4) **CONTROVERSIAL PROJECTS.**—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) **FACTORS TO CONSIDER.**—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) **PROJECT STUDIES EXCLUDED FROM PEER REVIEW.**—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) **APPEAL.**—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) **DETERMINATION OF PROJECT COST.**—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) **TIMING OF PEER REVIEW.**—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified. Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) **ESTABLISHMENT OF PANELS.**—

(1) **IN GENERAL.**—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) **MEMBERSHIP.**—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) **LIMITATION ON APPOINTMENTS.**—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) **CONGRESSIONAL NOTIFICATION.**—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) **DUTIES OF PANELS.**—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project

study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed \$500,000.

(2) WAIVER.—The Chief of Engineers may waive the \$500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACAA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term "project study" means a feasibility study or reevaluation study for a project. The term also includes any other

study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term "affected State", as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. COOK INLET, ALASKA.

(a) ANCHORAGE HARBOR.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary to establish a harbor depth of minus 45 feet mean lower low water for a length of 5,200 feet at the modified Port of Anchorage intermodal marine facility at each phase as such phases are completed and thereafter as the entire project is completed, at a total cost of \$8,175,000. Federal maintenance shall continue for the existing facility until the modified facility is completed. Federal maintenance of the modified project shall be in accordance with such section 101; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for such 5,200 feet, at an estimated annual cost of \$6,000,000.

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel depth to run the entire length of Fire Island Range and Point Woronzof Range maintaining the same width and modifying the depth to minus 45 feet mean lower low water in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, at a total cost of \$21,525,000. The project shall be maintained at a depth of minus 45 feet mean lower low water, at an estimated annual cost of \$3,000,000.

SEC. 3002. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River Harbor Act of 1960 (33 U.S.C. 577), shall be \$8,000,000.

SEC. 3003. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of \$6,300,000.

SEC. 3004. TATILEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatilek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711) and section 302 of the

Water Resources Development Act of 2000 (114 Stat. 2600), is further modified to direct the Secretary to use the Mexico Plan-1st Added Increment, as described in the limited reevaluation report dated September 13, 2002, to determine the cost allocation and cost apportionment for the project.

SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.

The project for flood control, Saint Francis Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to authorize the Secretary to construct improvements along Ditch No. 1 that consist of a gated culvert through the Saint Francis Levee and related channel improvements.

SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662-3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319-320), is further modified to direct the Secretary to carry out the project, at a total cost of \$205,000,000.

SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system, including all appurtenant features, erosion control measures, and environmental protection features. Such mitigation shall restore the city's preproject capacity (1,360 cubic feet per second) to release water to the Yolo Bypass, including channel improvements, an outlet work through the west levee of the Yolo Bypass, and a new low-flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried

out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA.

The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

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

SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA RIVER, CALIFORNIA.

In carrying out the feasibility study for the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, California, the Secretary shall determine whether work carried out by the non-Federal interest is integral to the project. In any case in which the work is determined to be integral to the project before completion of the final report of the Chief of Engineers on the project, such work shall be included as part of the project, and the cost of such work shall be recommended in the final report for credit toward the non-Federal share of the cost of the project. Work carried out after submission of the final report and before the date of the partnership agreement for the project that is determined to be integral to the project shall be considered as part of the project, and the cost of such work shall be credited toward the non-Federal share of the cost of the project.

SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend \$2,000,000 to enhance public access to the project.

SEC. 3016. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3017. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

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

SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than \$2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of \$140,328,000, with an estimated Federal cost of \$70,164,000, and an estimated non-Federal cost of \$70,164,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek

Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3025. BREVARD COUNTY, FLORIDA.

Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

"(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study."

SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3027. GASPARRILLA 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, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.

The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project, at a total cost of \$12,926,000, with an estimated Federal cost of \$6,547,000 and an estimated non-Federal cost of \$6,379,000, and at an estimated average annual cost of \$925,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$468,500 and an estimated annual non-Federal cost of \$456,500.

SEC. 3029. MANATEE HARBOR, FLORIDA.

The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093) and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general re-evaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of \$11,300,000, with an estimated Federal cost of \$8,475,000 and an estimated non-Federal cost of \$2,825,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest;

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(4) to authorize the Secretary to carry out the project as modified at a total cost of \$61,500,000.

SEC. 3030. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, referred to in section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3032. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified to include as a project purpose environmental mitigation required before July 18, 2003, by Federal, State, and local environmental agencies for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project.

SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood damage reduction, Little Wood River, Gooding, Idaho, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified—

(1) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(2) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if such use of the funds is permitted under the other Federal program; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.

(a) **PROJECT PURPOSE.**—The project for flood control, Hennepin Leves, Illinois, authorized by the Flood Control Act of June 26, 1936 (35 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) **MAXIMUM AMOUNT.**—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Hennepin-Hopper Lakes, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be \$7,500,000.

(c) **LIMITATION.**—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLINOIS.

(a) **IN GENERAL.**—The project for flood control, Mississippi River and Big Muddy River, Illinois, authorized by the Flood Control Act of 1938, is modified to authorize the Secretary to carry out repair and rehabilitation of the project at a total cost of \$22,600,000, with an estimated Federal cost of \$16,950,000 and an estimated non-Federal cost of \$5,650,000, and to perform operation and maintenance of the project thereafter.

(b) **OTHER ASSISTANCE.**—Federal assistance made available through the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the repair and rehabilitation under this section.

(c) **UNITED STATES LANDS.**—Costs under this section for the repair and rehabilitation allocable to the protection of lands owned by the United States shall be a Federal responsibility. The Secretary shall seek reimbursement from the Secretary of Agriculture for the costs allocated to protecting lands owned by the Department of Agriculture.

(d) **OPERATION AND MAINTENANCE OF NON-FEDERAL LANDS.**—The cost of operation and maintenance under this section allocated to protecting non-Federal lands shall be a non-Federal responsibility.

SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.

(a) **PROJECT PURPOSE.**—The project for flood control at Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

(b) **MAXIMUM AMOUNT.**—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be \$7,500,000.

(c) **LIMITATION.**—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3037. EMIQON, ILLINOIS.

(a) **MAXIMUM AMOUNT.**—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be \$7,500,000.

(b) **LIMITATION.**—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3038. LITTLE CALUMET RIVER, INDIANA.

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of

the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of \$186,300,000, with an estimated Federal cost of \$136,600,000 and an estimated non-Federal cost of \$49,700,000.

SEC. 3039. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303-304), is further modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature, at a total cost of \$28,545,000 and to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3040. WOLF LAKE, INDIANA.

The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3041. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of Division D of Public Law 108-7 (117 Stat. 140), is further modified to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.

(a) **IN GENERAL.**—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603-2604) is amended to read as follows:

"(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and"

(b) **TECHNICAL CORRECTION.**—Section 315(b) of such Act is amended by striking "(a)" and inserting "(a)(2)".

(c) **DONATIONS.**—Section 315 of such Act is amended by adding at the end the following:

“(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.”.

SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of \$4,000,000.

SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified to authorize the purchase and reforestation of lands which have been cleared or converted to agricultural uses.

SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304-305) is amended—

(1) in subsection (a)—

(A) by striking “operation and maintenance” and inserting “operation, maintenance, rehabilitation, repair, and replacement”; and

(B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and

(2) by adding at the end the following:

“(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.”.

SEC. 3049. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be \$10,000,000.

SEC. 3050. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled “An Act making appropriations for the

construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315.975.13, E1,004,424.86 thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.

(a) IN GENERAL.—The project for flood damage reduction, Cass River, Spaulding Township, Saginaw County, Michigan, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to incorporate flood control works constructed by the non-Federal interests between Sheridan Road and East Street (M-13) if the Secretary determines that the inclusion of such flood control works is feasible.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be \$3,000,000.

SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be \$2,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be \$2,000,000.

SEC. 3055. ADA, MINNESOTA.

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the fi-

ancing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3058. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of \$12,000,000, with an estimated Federal cost of \$8,000,000 and an estimated non-Federal cost of \$4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be \$8,000,000.

SEC. 3059. MINNEAPOLIS, MINNESOTA.

Section 527 of the Water Resources Development Act of 2000 (114 Stat. 2657) is amended—

(1) in subsection (a) by inserting after “June 30, 1999” the following “, and including Hennepin Island and adjacent areas on the east side of the Mississippi River”; and

(2) in subsection (c) by striking “\$10,000,000” and inserting “\$25,000,000”.

SEC. 3060. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River at Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include

flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston, Minnesota, at a total cost of \$25,000,000, with an estimated Federal cost of \$16,250,000 and an estimated non-Federal cost of \$8,750,000.

SEC. 3061. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3062. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3063. TWO HARBORS, MINNESOTA.

(a) *IN GENERAL.*—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) *LANDS, EASEMENTS, AND RIGHTS-OF-WAY.*—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) *MAXIMUM FEDERAL EXPENDITURE.*—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be \$25,000,000.

SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3067. ALAMOGORDO, NEW MEXICO.

The Secretary shall review the general re-evaluation report, dated March 1999, for the project for flood protection, Alamogordo, New Mexico, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 85), and determine

if the locally preferred flood detention basin would provide the same level of flood protection for the north side of the city of Alamogordo at a cost that is not greater than the cost of authorized channel improvements. If the Secretary determines that the flood detention basin is feasible, would provide the same level of flood protection, and can be constructed at the no additional cost, the Secretary may construct the flood detention basin instead of the channel improvements. The Federal share of the cost of the flood detention basin alternative shall be calculated in the same manner as if the channel improvements project was being constructed.

SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of \$18,000,000.

SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.

The project for improvement of the quality of the environment, Times Beach, Buffalo, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251), is modified to direct the Secretary to credit not more than \$750,000 toward the non-Federal share of the cost of the project for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3071. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

“(c) *NEW YORK STATE CANAL SYSTEM DEFINED.*—In this section, the term ‘New York State Canal System’ means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.”

SEC. 3072. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56-79-C-002 shall satisfy the obligations of the city under that contract.

SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.

(a) *IN GENERAL.*—The project for environmental restoration, Willamette River Tempera-

ture Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(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 receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) *IMPLEMENTATION OF PROGRAM.*—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) *LOSS TO A SMALL BUSINESS DEFINED.*—In this section, the term “loss to a small business” means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) *PAYMENT OF CLAIMS.*—The payment of claims for losses to small businesses shall be a Federal responsibility.

SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYLVANIA.

The project for flood control French Creek, Union City Dam, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189), is modified to include recreation as a project purpose.

SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.

The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of \$20,000,000.

SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of \$23,000,000.

SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07

and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to \$400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.

Section 313(h)(2) of the Water Resources Development Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117 Stat. 142) is amended by striking "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH, TENNESSEE.

In evaluating and implementing the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3083. CEDAR BAYOU, TEXAS.

(a) IN GENERAL.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified—

(1) to authorize the Secretary to carry out the project to a depth of 10 feet by 100 feet wide from mile 2.5 to mile 11 on Cedar Bayou if the Secretary determines that the project is feasible; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3084. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term "Lake Kemp improvement" means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3085. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3086. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 536 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3087. PROCTOR LAKE, TEXAS.

The Secretary is authorized to convert flowage easements to fee simple title in the subdivisions of Buffalo Springs and Frees Lakeview, and adjacent areas, located within the boundaries necessary for the operation of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and to purchase all improved and unimproved properties within such boundaries and to pay relocation assistance benefits to qualified landowners as applicable under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3088. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3089. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.

Section 358 of the Water Resources Development Act of 1999 (113 Stat. 312) is amended by striking "September 30, 1999" and inserting "May 4, 1997".

SEC. 3090. ROANOKE RIVER UPPER BASIN, VIRGINIA.

The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) and modified by section

110 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 650), is further modified to authorize the Secretary to construct the project, at a total cost of \$64,300,000, with an estimated Federal cost of \$42,100,000 and an estimated non-Federal cost of \$22,200,000. In carrying out the project, the Secretary shall award contracts based on invitation-for-bids procedures.

SEC. 3091. BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096) and deepened to 51 feet under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to review the locally prepared plan for the Blair and Sitcum Waterways, Washington, and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, to authorize the Secretary to carry out the plan, at a Federal cost of \$4,240,000.

(b) NON-FEDERAL WORK.—The Secretary shall provide credit toward the non-Federal share of the cost of the project, or reimbursement for, the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3092. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking "\$47,000,000" and inserting "\$89,000,000".

SEC. 3093. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of \$300,000.

SEC. 3094. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations."

SEC. 3095. CONTINUATION OF PROJECT AUTHORIZATIONS.

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

(1) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3096. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

SEC. 3097. PROJECT DEAUTHORIZATIONS.

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

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) NORWALK HARBOR, CONNECTICUT.—The following portions a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

(A) An approximate rectangular shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as follows: Commencing at a point N104,165.85, E417,662.71, thence running south 24 degrees 06 minutes 55 seconds east 395.00 feet to a point N103,805.32, E417,824.10, thence running south 00 degrees 38 minutes 06 seconds east 87.84 feet to a point N103,717.49, E417,825.07, thence running north 24 degrees 06 minutes 55 seconds west 480.00 feet, to a point N104,155.59, E417,628.96, thence running north 73 degrees 05 minutes 25 seconds east 35.28 feet to the point of origin.

(B) An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in subparagraph (A). This area is 20-feet wide and about 260-feet long and is further described as follows: Commencing at a point N103,855.48, E417,849.99, thence running south 33 degrees 07 minutes 30 seconds east 133.40 feet to a point N103,743.76, E417,922.89, thence running south 24 degrees 07 minutes 04 seconds east 127.75 feet to a point N103,627.16, E417,975.09, thence running north 33 degrees 07 minutes 30 seconds west 190.00 feet to a point N103,786.28, E417,871.26, thence running north 17 degrees 05 minutes 15 seconds west 72.39 feet to the point of origin.

(3) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—Those portions of the projects for navigation,

Chicago River and Chicago Harbor, Chicago, Illinois, authorized by the River and Harbor Act of March 3, 1899 (30 Stat. 1129), extending 50 feet riverward of the existing dock wall on the south side of the channel from Lake Street to Franklin Street and 25 feet riverward of the existing dock wall on the south side of the channel from Franklin Street to Wabash Avenue, and those areas within 20 feet of the bridge abutments on the south side of the channel for the length of the protection bridge piers from the Franklin Street Bridge to the Michigan Avenue Bridge.

(4) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at Station 70+00 and ending at Station 80+00.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) NORWALK HARBOR, CONNECTICUT.—The 10-foot channel portion of the Norwalk Harbor, Connecticut, navigation project described in subsection (a)(2) is modified to authorize the Secretary to realign the channel to include a new section immediately north of the area described in subsection (a)(2)(B). The new triangular shaped section is described as follows: Commencing at a point N103,968.35, E417,815.29, thence running south 17 degrees 05 minutes 15 seconds east 118.09 feet to a point N103,855.48, E417,849.99, thence running north 33 degrees 07 minutes 30 seconds west 36.76 feet to a point N103,886.27, E417,829.90, thence running north 10 degrees 05 minutes 26 seconds west 83.37 feet to the point of origin.

(d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—The projects for navigation, Chicago River and Chicago Harbor referred to in subsection (a)(3) are modified to direct the Secretary to redefine the Federal navigation channel for the North Branch Canal portion extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge to be no wider than 66 feet.

(e) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has

been completed before such date or is under construction on such date:

(1) The project for flood damage reduction, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by the Water Resources Development Act of 1986 (Public Law 99-662).

(2) The project for flood control, Goleta and Vicinity, California, authorized by the Flood Control Act of 1970.

(3) The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by the Flood Control Act of 1954 (Public Law 83-780) and the Flood Control Act of 1968 (Public Law 90-483).

(4) The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by the Flood Control Act of 1962.

(5) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946.

(6) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (Public Law 99-662).

(7) The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by the Water Resources Development Act of 1986, deauthorized in fiscal year 1991, and reauthorized by the Water Resources Development Act of 1992 (Public Law 102-580).

(8) The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (Public Law 100-676) and section 108 of the Water Resources Development Act of 1990 (Public Law 101-640).

(9) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966.

(10) The project for flood control, West Kentucky Tributaries, Kentucky, authorized by the Flood Control Acts of 1965 and 1970 and the Water Resources Development Act of 1986.

(11) The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by the Flood Control Act of 1941 and the Water Resources Development Act of 1974.

(12) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by the Flood Control Act of 1970 (Public Law-611).

(13) The project for Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (Public Law 90-483).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (Public Law 99-662).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (Public Law 99-662).

(16) The project for navigation, Greenville Harbor, Mississippi, authorized by section 601 of the Water Resources Development Act of 1986 (Public Law 99-662).

(17) The project for hydropower, Libby Dam, Montana, (Units 6-8), authorized by section 549 of the Water Resources Development Act of 1996 (Public Law 104-303).

(18) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (Public Law 99-662).

(19) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992.

(20) The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401 of the Water Resources Development Act of 1986 (Public Law 99-662).

(21) The project for flood control and recreation, Fairfield, Ohio, authorized by section

401(a) of the Water Resources Development Act of 1986 (Public Law 99-662).

(22) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986.

(23) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by the Water Resources Development Act of 1986 (Public Law 99-662).

(24) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by the Energy and Water Development Appropriations Act of 1991.

(25) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996.

(26) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Acts of 1976 and 1986.

(27) The project for flood damage reduction, Arroyo Colorado, Texas, authorized by the Water Resources Development Act of 1986 (Public Law 99-662).

(28) The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by the Water Resources Development Act of 1988.

(29) The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962.

(30) The project for flood damage reduction, Falfurrias, Texas, authorized by the Water Resources Development Act of 1988.

(31) The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (Public Law 99-662).

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking “two years” and inserting “year”; and

(2) by striking “7” and inserting “5”.

SEC. 3098. LAND CONVEYANCES.

(a) MILFORD, KANSAS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(b) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking “city of Boardman,” and inserting “the Boardman Park and Recreation District, Boardman,”; and

(2) by striking “such city” and inserting “the city of Boardman”.

(c) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3099. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to each deed listed in paragraph (2), the reversionary interests and use restrictions relating to industrial use purposes are extinguished.

(2) AFFECTED DEEDS.—The deeds with the following county auditor’s file numbers are referred to in paragraph (1):

(A) Auditor’s Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor’s Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now known as “Easter Seals Tennessee”), at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT OF OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 3100. LAND EXCHANGE, DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330-332) is amended by adding at the end the following:

“(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.”.

SEC. 4002. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

SEC. 4003. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4004. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4005. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN.

The Secretary shall transmit to Congress a report on the results of the Upper Mississippi River and Illinois Waterway Restructured System Navigation Feasibility Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no later than July 1, 2004.

SEC. 4006. HAMILTON, CALIFORNIA.

The Secretary is directed to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and shall include in the study an area 2 miles north and 4 miles south of State Highway 32.

SEC. 4007. OCEANSIDE, CALIFORNIA.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking “32 months” and inserting “44 months”.

SEC. 4008. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged

material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4010. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5).

SEC. 4011. CALUMET HARBOR, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

SEC. 4012. PADUCAH, KENTUCKY.

The Secretary is authorized to complete a rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, proceed to preconstruction engineering and design for rehabilitation of the project.

SEC. 4013. BASTROP-MOREHOUSE PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

SEC. 4014. WEST FELICIANA PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

SEC. 4015. CITY OF MACKINAC ISLAND, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

SEC. 4016. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 4017. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

SEC. 4018. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection for the Pueblo of Zuni, New Mexico, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

In carrying out the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams com-

posed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

SEC. 4021. SAC AND FOX NATION, OKLAHOMA.

The Secretary shall complete a water and related land resource conservation and management plan for the Sac and Fox Nation, Oklahoma, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4022. SUTHERLIN, OREGON.

(a) STUDY.—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.

The Secretary shall conduct under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—
(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 to carry out this subsection.

SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECOSYSTEM RESTORATION AND PROTECTION.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.

In conducting a feasibility study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay,

Texas, the Secretary may include any benefits related to the use of State Highway 87 as an emergency evacuation route in the determination of national economic development benefits of the project.

SEC. 4028. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.

The Secretary shall conduct a river basin study for the Chehalis River basin, Washington, including a study of the uses of the basin's water resources to assist users in developing a fair and equitable distribution of such resources.

SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.

The Secretary may accept from the non-Federal interest to pay all or a part of the non-Federal share of the cost of feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, funds made available under any other Federal program if such use of the funds is permitted under the Federal program.

SEC. 4031. MONONGAHELA RIVER BASIN, NORTH-EAST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4032. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Pix Bayou navigation channel, Chambers County, Texas.

(2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(3) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

(c) SABINE-NECHES WATERWAY, TEXAS.—The Secretary shall remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) **SPECIFIC MEASURES.**—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for non-structural measures to reduce destructive impacts of flooding.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) **PROJECT LOCATIONS.**—The locations referred to in subsection (a) are the following:

(1) Spring Branch watershed, Huntsville, Alabama.

(2) Tuolumne County, California.

(3) Cucamonga basin, Upland, California.

(4) Kinkaid Lake, Jackson County, Illinois.

(5) Those portions of the watersheds of the Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts, lying within the Interstate Route 495 corridor.

(6) Jackson Brook watershed, New Jersey.

(7) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(8) Southampton Creek watershed, Southampton, Pennsylvania.

(9) Unami Creek watershed, Milford Township, Pennsylvania.

(10) Amite River basin, Louisiana.

(11) Iberville Parish, East Atchafalaya River basin, Louisiana.

(12) Genesee River watershed, New York.

(13) Tonawanda Creek watershed, New York.

(14) Buffalo River watershed, New York.

(15) Eighteenmile Creek watershed, Niagara County, New York.

(16) Cattaraugus Creek watershed, New York.

(17) Oswego River basin, New York.

(18) Red River watershed, Louisiana.

(19) Fountain Creek and tributaries, Colorado.

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

SEC. 5003. DAM SAFETY.

(a) **ASSISTANCE.**—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Mountain Park Dam, Mountain Park, Georgia.

(2) Barber Dam, Ada County, Idaho.

(3) Fish Creek Dam, Blaine County, Idaho.

(4) Lost Valley Dam, Adams County, Idaho.

(5) Salmon Falls Dam, Twin Falls County, Idaho.

(6) Whaley Lake Dam, Pawling, New York.

(7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.

(8) Dams in Mountain Lakes Park, Princeton Township, New Jersey.

(9) State Dam, Auburn, New York.

(10) Candor Dam, Candor, New York.

(b) **SPECIAL RULE.**—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) **FERN RIDGE DAM, OREGON.**—It is the sense of Congress that the Secretary should work to immediately remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) **IN GENERAL.**—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) **PRIORITY.**—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.

(2) Project for flood damage reduction, Marianna Borough, Pennsylvania.

(3) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking “and” at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

“(29) La Crosse County, Wisconsin;

“(30) Crawford County, Wisconsin;

“(31) Buffalo County, Wisconsin;

“(32) Calhoun County, Illinois;

“(33) Saint Charles County, Missouri;

“(34) Saint Louis County, Missouri;

“(35) Dubuque County, Iowa;

“(36) Scott County, Iowa;

“(37) Rock Island County, Illinois;

“(38) Ascension Parish, Louisiana;

“(39) East Baton Rouge Parish, Louisiana;

“(40) Iberville Parish, Louisiana; and

“(41) Livingston Parish, Louisiana.”.

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

“(9) \$20,000,000 for the project described in subsection (c)(20);

“(10) \$20,000,000 for the project described in subsection (c)(25);

“(11) \$15,000,000 for the project described in subsection (c)(26);

“(12) \$7,800,000 for the project described in subsection (c)(27);

“(13) \$18,000,000 for the project described in subsection (c)(31); and

“(14) \$30,000,000 for the project described in subsection (c)(40).”.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

(1) Welch Point, Elk River, Cecil County, Maryland, being carried out under section 535(a) of the Water Resources Development Act of 1999 (113 Stat. 348–349).

(2) West View Shores, Cecil County, Maryland, being carried out under section 521 of the Water Resources Development Act of 2000 (114 Stat. 2655).

(3) Sylvan Beach Breakwater, Verona, Oneida County, New York, being carried out under section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting

the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g).

(4) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(7) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(8) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(9) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(11) Lucas Berg Pit, Worth, Illinois, being carried out as part of the Calumet-Sag navigation project, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 19), and modified by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 636), and section 109 of the River and Harbor Act of 1958 (72 Stat. 302).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) **IN GENERAL.**—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.

(2) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(3) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

(4) Project for shoreline stabilization at Egmont Key, Florida.

(b) **SPECIAL RULE.**—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(4), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) **CHESAPEAKE, MARYLAND.**—The Secretary shall expedite completion of the study being carried out under section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) with respect to additional compensation to the city of Chesapeake, Maryland.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

The Secretary may provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by adding at the end the following: “The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.”.

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking “and 2004” and inserting “through 2015”.

SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.

Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) by striking “and” at the end of clause (vii);

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

“(viii) rural water systems; and”.

SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22; 114 Stat. 2646) is amended by striking “50 percent” and inserting “100 percent”.

SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.

(a) **EX OFFICIO MEMBER.**—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91-575) and the Delaware River Basin Compact (Public Law 87-328), beginning in fiscal year 2002 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) **AUTHORIZATION TO ALLOCATE.**—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91-407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) **WATER SUPPLY AND CONSERVATION STORAGE.**—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking “\$10,000,000” and inserting “\$30,000,000”.

SEC. 5016. MONTGOMERY, ALABAMA.

The Secretary shall review the navigation and aquatic ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, Montgomery, Alabama, dated May 2001, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed \$5,000,000.

SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent

that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 5018. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking “\$25,000,000” and inserting “\$40,000,000”; and

(3) by adding at the end the following:

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

“(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.

(a) **IN GENERAL.**—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion of the feasibility study, shall design and construct the project, if the Secretary determines that the project is feasible.

(b) **TREATMENT OF CERTAIN DREDGING.**—The headlands dredging for the mooring basin shall be considered general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) **LONG-TERM MAINTENANCE AND REPAIR.**—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) **STUDY.**—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock that are impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.

(a) **IN GENERAL.**—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) **REIMBURSEMENT.**—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5023. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION PROJECT, ARKANSAS AND OKLAHOMA.

The McClellan-Kerr Arkansas River navigation and comprehensive development project, Arkansas and Oklahoma, authorized by the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved June 28, 1938 (52 Stat. 1215), and the first section of the River and Harbor Act of 1946 (60 Stat. 364) and modified by section 108 of the Energy

and Water Development Appropriations Act, 1988 (101 Stat. 1329-112), is further modified to authorize a project depth of 12 feet in the States of Arkansas and Oklahoma.

SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5026. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by striking “\$10,300,000” and inserting the following:

“(A) **IN GENERAL.**—\$10,300,000”;

(2) by adding at the end the following:

“(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: “All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.”.

SEC. 5028. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (106 Stat. 4835-4836; 113 Stat. 336) is amended—

(1) by striking “\$25,000,000” and inserting the following:

“(A) **IN GENERAL.**—\$25,000,000”;

(2) by adding at the end the following:

“(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.

“(C) **IN-KIND CONTRIBUTIONS.**—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5029. SACRAMENTO AREA, CALIFORNIA.

Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835-4836; 113 Stat. 336) is amended—

(1) by striking “\$25,000,000” and inserting “\$35,000,000”;

(2) by inserting “water supply and” before “regional”; and

(3) by adding at the end the following: “\$_____ for wastewater and water supply infrastructure in the counties of Modoc, Lassen, Plumas, Butte, Sierra, Nevada, El Dorado, and Placer, California.”.

SEC. 5030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

(a) *IN GENERAL.*—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall include a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) *AUTHORIZATION OF APPROPRIATION.*—There is authorized to be appropriated \$5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

SEC. 5031. SAN FRANCISCO, CALIFORNIA.

(a) *PIER 70 WHARF 5 REMOVAL AND DREDGING PROJECT.*—

(1) *IN GENERAL.*—The Secretary, in cooperation with the Port of San Francisco, shall carry out the project for removal of Wharf 5 and associated pilings and dredgings at Pier 70 in San Francisco, California, substantially in accordance with the Port's redevelopment plans.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$1,600,000 to carry out this subsection.

(b) *PIERS 94–96 REPAIRS PROJECT.*—

(1) *IN GENERAL.*—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repairs to Piers 94–96 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(2) *AUTHORIZATION OF APPROPRIATION.*—There is authorized to be appropriated \$5,000,000 to carry out this subsection.

(c) *CAPITAL IMPROVEMENT PROJECT.*—

(1) *ESTABLISHMENT OF OFFICE.*—The Secretary shall establish a centralized office at the office of the district engineer, San Francisco, California, for the use of all Federal and State agencies that are or will be involved in issuing permits and conducting environmental reviews for the capital improvement project to repair and upgrade the water supply and delivery system for the city of San Francisco.

(2) *CONTRIBUTIONS.*—The Secretary may use the authority under section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note) for the project described in paragraph (1).

(3) *PROTECTION OF IMPARTIAL DECISION-MAKING.*—In carrying out this subsection, the Secretary and the heads of Federal agencies receiving funds under such section 214 for the project described in paragraph (1) shall ensure that the use of the funds accepted under such section for such project will not impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

SEC. 5032. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) *AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.*—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) *NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.*—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and southerly along said line of jurisdiction as described in the State

of California Harbor and Navigable Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street produced southerly; thence northerly along said easterly line of Townsend Street produced to its intersection with the United States Government pier-head line; thence following said pier-head line westerly and northerly to its intersection with the existing boundary line of Piers 30/32, then northerly and easterly along the existing boundary of Piers 30/32 until its intersection with the United States Government pier-head line, thence following said pier-head line westerly and northerly to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) *REQUIREMENT THAT AREA BE IMPROVED.*—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

SEC. 5033. STOCKTON, CALIFORNIA.

(a) *REEVALUATION.*—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b-13).

(b) *SPECIAL RULES FOR REEVALUATION.*—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) *REIMBURSEMENT.*—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5034. CHARLES HERVEY TOWNSHEND BREAKWATER, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 5035. EVERGLADES RESTORATION, FLORIDA.

(a) *COMPREHENSIVE PLAN.*—

(1) *HILLSBORO AND OKEECHOBEE AQUIFER.*—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(A) in clause (i) by adding at the end the following: "The project for aquifer storage and re-

covery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan."; and

(B) in clause (iii) by inserting after "subparagraph (B)" the following: "and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer".

(2) *OUTREACH AND ASSISTANCE.*—Section 601(k) of such Act (114 Stat. 2691-2692) is amended by adding at the end the following:

"(3) *MAXIMUM EXPENDITURES.*—The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection."

(b) *CRITICAL RESTORATION PROJECTS.*—Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking "\$75,000,000" and all that follows through "2003" and inserting "\$95,000,000"; and

(2) in clause (ii) by striking "\$25,000,000" and inserting "\$30,000,000".

SEC. 5036. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109(e)(2) of Division B of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106-554) (114 Stat. 2763A-222) is amended by adding at the end the following:

"(C) *CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.*—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section."

SEC. 5037. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of \$9,000,000.

SEC. 5038. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, in support of the 2003 World Kayaking Championships, at a total cost of \$5,300,000.

SEC. 5039. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5040. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) *IN GENERAL.*—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) *COST SHARING.*—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) *RECONSTRUCTION DEFINED.*—In this section, the term "reconstruction", as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency

improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) **ELIGIBLE PROJECTS.**—The following flood control projects are eligible for reconstruction under this section:

(1) Wood River Drainage and Levee District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1218).

(2) Clear Creek Drainage and Levee District, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1581).

(3) Fort Chartres and Ivy Landing Drainage District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 22, 1938 (52 Stat. 1218).

(e) **JUSTIFICATION.**—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated \$15,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 5041. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) **KASKASKIA RIVER BASIN DEFINED.**—In this section, the term “Kaskaskia River basin” means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) **COMPREHENSIVE PLAN.**—

(1) **DEVELOPMENT.**—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia 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 Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to increase economic opportunity for agriculture and business communities; and

(E) to reduce the impacts of flooding to communities and landowners.

(3) **SPECIFIC COMPONENTS.**—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) **CONSULTATION.**—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under paragraph (5),

the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) **GENERAL PROVISIONS.**—

(1) **WATER QUALITY.**—In carrying out activities under this section, the Secretary’s recommendations shall be consistent with applicable State water quality standards.

(2) **PUBLIC PARTICIPATION.**—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) **COORDINATION.**—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

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

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) **COST SHARING.**—

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

(2) **IN-KIND SERVICES.**—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River basin.

SEC. 5042. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

SEC. 5043. PEORIA RIVERFRONT DEVELOPMENT, PEORIA, ILLINOIS.

The Secretary may carry out the project for Peoria riverfront development, Peoria, Illinois, under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653-2655), at a total cost of \$16,000,000, with an estimated Federal cost of \$10,400,000 and an estimated non-Federal cost of \$5,600,000.

SEC. 5044. ILLINOIS RIVER BASIN RESTORATION.

(a) **EXTENSION OF AUTHORIZATION.**—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking “2004” and inserting “2010”.

(b) **IN-KIND SERVICES.**—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence “if such services are provided not more than 5 years before the date of initiation of the project or activity”.

SEC. 5045. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(2) by striking “Lake and Porter” and inserting “Benton, Jasper, Lake, Newton, and Porter”.

SEC. 5046. RATHBUN LAKE, IOWA.

(a) **CONVEYANCE.**—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the “Water Association”).

(b) **COST SHARING.**—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) **TERMS AND CONDITIONS.**—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 5047. CUMBERLAND RIVER BASIN, KENTUCKY.

At reservoirs managed by the Secretary within the Cumberland River basin, Kentucky, the Secretary shall continue to charge fees associated with storage and maintenance of water supply that were in effect on October 1, 2002.

SEC. 5048. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

SEC. 5049. NORTH FORK, KENTUCKY RIVER, BREATHITT COUNTY, KENTUCKY.

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages, at an estimated total cost of \$1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

SEC. 5050. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

“(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section for fiscal years 2004 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

SEC. 5051. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COASTAL LOUISIANA ECOSYSTEM.**—The term “Coastal Louisiana Ecosystem” means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

(2) **GOVERNOR.**—The term “Governor” means the Governor of Louisiana.

(3) **TASK FORCE.**—The term “Task Force” means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by subsection (e).

(b) **COMPREHENSIVE PLAN.**—

(1) **IN GENERAL.**—The Secretary shall develop a comprehensive plan for the purpose of protecting, preserving, and restoring the Coastal Louisiana Ecosystem. The comprehensive plan shall provide for the protection, conservation and restoration of the wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) **DEADLINE.**—Not later than July 1, 2004, the Secretary shall transmit the plan to Congress.

(3) **CONTENTS.**—The plan shall include a comprehensive report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(4) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under this subsection, the Secretary may conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) **INTEGRATION OF OTHER ACTIVITIES.**—

(1) **IN GENERAL.**—In developing the plan under subsection (b), the Secretary shall integrate ongoing Federal and State projects and activities, including projects implemented under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), the Louisiana Coastal Wetlands Conservation Plan, the Louisiana Coastal Zone Management Plan, and the plan of the State of Louisiana entitled “Coast 2050: Toward a Sustainable Coastal Louisiana”.

(2) **STATUTORY CONSTRUCTION.**—

(A) **EXISTING AUTHORITY.**—Except as otherwise expressly provided for in this section, nothing in the section affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection or restoration activities in the Coastal Louisiana Ecosystem, including projects and activities specified in paragraph (1) of—

- (i) the Department of the Army;
- (ii) the Department of the Interior;
- (iii) the Department of Commerce;
- (iv) the Environmental Protection Agency;
- (v) the Department of Agriculture;
- (vi) the Department of Transportation;
- (vii) the Department of Energy; and
- (viii) the State of Louisiana.

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

(d) **COST SHARING.**—The non-Federal share of the cost of developing the plan under subsection (b) shall be 50 percent.

(e) **COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.**—

(1) **ESTABLISHMENT AND MEMBERSHIP.**—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal Agency, a designee at the level of Assistant Secretary or an equivalent level):

- (A) The Secretary.
- (B) The Secretary of the Interior.
- (C) The Secretary of Commerce.
- (D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Coastal Advisor to the Governor.

(I) The Secretary of the Louisiana Department of Natural Resources.

(J) A representative of the Governor’s Advisory Commission on Coastal Restoration and Conservation, Louisiana.

(2) **DUTIES OF TASK FORCE.**—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem protection, restoration, and maintenance;

(D) shall establish a regional working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may allow the working group described in subparagraph (D) to—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties; and

(ii) select as an advisory body any entity that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of inter-agency and intergovernmental conflicts associated with the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(G) shall coordinate scientific research associated with the protection and restoration of the Coastal Louisiana Ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their protection and restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the protection, conservation, and restoration of the Coastal Louisiana Ecosystem; and

(J) shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that summarizes the activities of the Task Force.

(3) **PROCEDURES AND ADVICE.**—

(A) **PUBLIC PARTICIPATION.**—

(i) **IN GENERAL.**—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of proceedings of meetings available for public inspection.

(ii) **OVERSIGHT.**—The Secretary shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) **ADVISORS TO THE TASK FORCE AND WORKING GROUPS.**—The Task Force or the working group described in paragraph (2)(D) may seek such advice and input from any interested, knowledgeable, or affected party as the Task Force or working group determines to be necessary to perform the duties described in paragraph (2).

(C) **APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Task Force, advisors to the Task Force, and any associated workgroups

shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App).

(4) **COMPENSATION.**—A member of the Task Force shall receive no additional compensation for the services provided as a member of the Task Force.

(5) **TRAVEL EXPENSES.**—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency or entity that the member represents.

SEC. 5052. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking “\$20,000,000” and inserting “\$35,000,000”.

SEC. 5053. WEST BATON ROUGE PARISH, LOUISIANA.

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

“(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.”.

SEC. 5054. CHESAPEAKE BAY SHORELINE, MARYLAND, VIRGINIA, PENNSYLVANIA, AND DELAWARE.

(a) **IN GENERAL.**—In carrying out comprehensive study of the feasibility of a project to address shoreline erosion and related sediment management measures to protect water and land resources of the Chesapeake Bay, the Secretary may carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to the Chesapeake Bay from sediment behind dams on the lower Susquehanna River.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 to carry out this section.

SEC. 5055. DELMARVA CONSERVATION CORRIDOR, MARYLAND.

(a) **ASSISTANCE.**—The Secretary may provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program authorized under subtitle G of title II of Public Law 107–171 (116 Stat. 275–278).

(b) **COORDINATION AND INTEGRATION.**—In carrying out water resources projects in the State of Maryland on land located on the east side of the Chesapeake Bay, the Secretary shall coordinate and integrate, to the extent practicable, such projects with any activities undertaken to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of Public Law 107–171 (116 Stat. 275–276).

SEC. 5056. DETROIT RIVER, MICHIGAN.

Section 568(c)(2) of the Water Resources Development Act of 1999 (113 Stat. 368) is amended by striking “\$1,000,000” and inserting “\$25,000,000”.

SEC. 5057. OAKLAND COUNTY, MICHIGAN.

Section 219(f)(29) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended by inserting “sanitary sewer overflows and” before “combined sewer overflows”.

SEC. 5058. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed \$5,000,000.

SEC. 5059. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) **PROJECT DESCRIPTION.**—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking “TOWNSHIP” and inserting “AND CROW WING AND MILLE LACS COUNTIES”;

(2) by inserting “, Crow Wing County, Mille Lacs County,” after “Garrison”; and

(3) by adding at the end the following: “Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.”

(b) PROCEDURES.—In carrying out the project for Garrison and Kathio Township, Minnesota, authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5060. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking “Benton, Sherburne,” and inserting “Beltrami, Hubbard, Wadena,”;

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.”; and

(4) by adding at the end the following:

“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368-369), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5061. DESOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A-220) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

SEC. 5062. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, and other in-kind contributions.

SEC. 5063. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled “Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5064. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835-4836; 113

Stat. 337) is amended by striking “\$15,000,000” and inserting “\$35,000,000”.

SEC. 5065. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking “design” and inserting “planning, design.”; and

(B) by striking “Hackensack Meadowlands Development” and all that follows through “Plan for” and inserting “New Jersey Meadowlands Commission for the development of an environmental improvement program for”;

(2) in subsection (b)—

(A) in the subsection heading by striking “REQUIRED”;

(B) by striking “shall” and inserting “may”;

(C) by striking paragraph (1) and inserting the following:

“(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.”;

(D) in paragraph (2) by inserting “and aquatic habitat” before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

“(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.”;

(3) in subsection (c) by inserting before the last sentence the following: “The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).”; and

(4) in subsection (d) by striking “\$5,000,000” and inserting “\$35,000,000”.

SEC. 5066. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking “processes” and inserting “and related environmental processes”;

(2) by inserting after “Atlantic Coast” the following: “(and associated back bays)”;

(3) by inserting after “actions” the following: “, environmental restoration or conservation measures for coastal and back bays.”; and

(4) by inserting at the end the following: “The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.”.

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking “INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the” and inserting “ANNUAL REPORTS.—The”;

(2) by striking “initial plan for data collection and monitoring” and inserting “annual report of data collection and monitoring activities”;

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking “and an additional total of \$2,500,000 for fiscal years thereafter” and inserting “\$2,500,000 for fiscal years 2000 through 2002, and \$17,000,000 for fiscal years beginning after September 30, 2002.”.

SEC. 5067. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639-4640), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5068. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for eco-

system restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5069. LITTLE NECK BAY, VILLAGE OF KINGS POINT, NEW YORK.

(a) IN GENERAL.—The Secretary may carry out a navigation project at Little Neck Bay (Hague Basin), Village of Kings Point, New York, sufficient to permit the safe operation of the vessel T/V Kings Pointer at all tide levels.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the United States Merchant Marine Academy for the cost of the project carried out under this section.

SEC. 5070. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372-373) is amended—

(1) in subsection (f) by striking “\$10,000,000” and inserting “\$30,000,000”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

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

SEC. 5071. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5072. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A-221) is amended by inserting “water and” before “wastewater”.

SEC. 5073. CENTRAL RIVERFRONT PARK, CINCINNATI, OHIO.

If the Secretary is authorized to carry out a downtown waterfront development project for the Central Riverfront Park, Cincinnati, Ohio, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of—

(1) design and construction work undertaken by the non-Federal interest before entering into a partnership agreement for the project with the Secretary if the Secretary determines that the work is integral to the project; and

(2) land, easements, rights-of-way, and relocations provided by the non-Federal interest.

SEC. 5074. PIEDMONT LAKE DAM, OHIO.

In reconstructing the road on the Piedmont Lake Dam as part of the project for dam safety assurance, Piedmont Lake Dam, Ohio, being carried out under section 4 of the Flood Control Act of August 11, 1939 (53 Stat. 1414-1415), the Secretary shall upgrade the condition of the road to meet standards applicable to public use roads in the State of Ohio. The incremental cost of upgrading the road to meet such standards shall be a non-Federal expense.

SEC. 5075. OHIO.

Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking “\$60,000,000” and inserting “\$90,000,000”.

SEC. 5076. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific,

separate, and written agreement between the District and the United States Government.

SEC. 5077. COLUMBIA RIVER, OREGON.

Section 401(b)(3) of Public Law 100-581 (102 Stat. 2944), is amended by inserting "and Celilo Village, Oregon" after "existing sites".

SEC. 5078. EUGENE, OREGON.

(a) *IN GENERAL.*—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, shall carry out the restoration.

(b) *CONSIDERATION OF NONECONOMIC BENEFITS.*—In determining the feasibility of restoring the millrace, the Secretary shall include non-economic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$20,000,000.

SEC. 5079. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.

(a) *IN GENERAL.*—The Secretary shall pay up to \$2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of the multipurpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$2,500,000.

SEC. 5080. LOWELL, OREGON.

(a) *IN GENERAL.*—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title and interest of the United States in and to approximately 3.32 acres of land and buildings thereon, known as Tract A-82, located in Lowell, Oregon, and described in subsection (b).

(b) *DESCRIPTION OF PROPERTY.*—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) *TERMS AND CONDITIONS.*—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) *GENERALLY APPLICABLE PROVISIONS.*—

(1) *APPLICABILITY OF PROPERTY SCREENING PROVISIONS.*—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) *LIABILITY.*—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 5081. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYLVANIA.

The Secretary may rehabilitate the pumps at the project for flood damage reduction,

Hagerman's Run, Williamsport, Pennsylvania, at a total Federal cost of \$225,000.

SEC. 5082. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "and Monroe" and inserting "Northumberland, Union, Snyder, and Montour".

SEC. 5083. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD, RAYSTOWN LAKE, PENNSYLVANIA.

(a) *IMPROVEMENT OF ACCESS ROAD.*—The Secretary may make improvements to the Susquehannock Campground access road at Raystown Lake, Pennsylvania.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$500,000.

SEC. 5084. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787-3788; 114 Stat. 2662-2663) is amended—

(1) in subsection (a)(2) by striking "\$10,000,000." and inserting the following: "\$20,000,000, of which the Secretary may utilize not more than \$5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed \$500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.";

(2) in subsection (c)—

(A) in the subsection heading by striking "COOPERATION" and inserting "COOPERATIVE"; and

(B) by striking "cooperation" and inserting "cooperative"; and

(3) by adding at the end the following:

"(e) *CREDIT.*—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest."

SEC. 5085. WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.

Section 219(f)(70) of the Water Resources Development Act of 1992 (114 Stat. 2763A-221) is amended by striking "\$8,000,000" and inserting "\$13,300,000".

SEC. 5086. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, may carry out the project, at a total cost of \$130,000,000, with an estimated Federal cost of \$85,000,000 and an estimated non-Federal cost of \$45,000,000.

SEC. 5087. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.

The Secretary may accept from the Department of the Navy, and may use, not to exceed \$23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

SEC. 5088. COOPER RIVER, SOUTH CAROLINA.

(a) *IN GENERAL.*—The Secretary is authorized to provide technical and financial assistance for the removal of the Grace and Pearman Bridges over the Cooper River, South Carolina.

(b) *AUTHORIZATION OF APPROPRIATION.*—There is authorized to be appropriated \$5,000,000 to carry out this section.

SEC. 5089. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A-220) is amended—

(1) by striking "\$15,000,000" and inserting "\$35,000,000"; and

(2) by inserting "wastewater treatment and" before "water supply".

SEC. 5090. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH DAKOTA.

(a) *IN GENERAL.*—The Secretary shall review the project for flood damage reduction, Upper Big Sioux River basin, Watertown, South Dakota, as described in the report of the Chief of Engineers, dated August 31, 1994, and entitled "Watertown and Vicinity, South Dakota" and, if the Secretary determines that the project is feasible, may carry out the project, at a total cost of \$25,000,000.

(b) *NON-FEDERAL SHARE.*—

(1) *IN GENERAL.*—The non-Federal share of the cost of the review may be provided in the form of in-kind services and materials.

(2) *CREDIT.*—The Secretary shall credit toward the non-Federal share of the cost of the review the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for the review if the Secretary determines that such work is integral to the review.

SEC. 5091. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (45 Stat. 534-539), commonly known as the "Flood Control Act of 1928".

SEC. 5092. MEMPHIS, TENNESSEE.

The Secretary shall review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan, Memphis, Tennessee, prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers and that the component is feasible, may carry out the component at a total Federal cost not to exceed \$5,000,000.

SEC. 5093. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

SEC. 5094. TENNESSEE RIVER PARTNERSHIP.

(a) *IN GENERAL.*—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the Rivers and Harbors Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$500,000.

SEC. 5095. CLEAR CREEK AND TRIBUTARIES, HARRIS, GALVESTON, AND BRAZORIA COUNTIES, TEXAS.

The Secretary shall expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.

SEC. 5096. HARRIS COUNTY, TEXAS.

Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: “, whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency”.

SEC. 5097. HARRIS GULLY, HARRIS COUNTY, TEXAS.**(a) STUDY.—**

(1) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.

(2) **USE OF LOCAL STUDIES AND PLANS.**—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.

(3) **COMPLETION DATE.**—The Secretary shall complete the study by July 1, 2004.

(b) **CRITICAL FLOOD DAMAGE REDUCTION MEASURES.**—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of \$7,000,000.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that such work is integral to the project.

(d) **NONPROFIT ENTITY.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

SEC. 5098. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage, reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project during the 2-year period before the initiation of the feasibility study to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5099. PELICAN ISLAND, TEXAS.

(a) **IN GENERAL.**—Section 108(a) of the Energy and Water Development Appropriations Act, 1994 (33 U.S.C. 59hh(a)) is amended—

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

“(1) **AUTHORITY TO CONVEY.**—The Secretary”;

(2) by adding at the end the following:

“(2) **LETTER OF INTENT.**—

“(A) **IN GENERAL.**—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the

land which would be subject to such development.”

“(B) **DISPOSITION OF SPOIL.**—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.”; and

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

(b) **EXPIRATION DATE.**—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date of the enactment of this Act” and inserting “date of enactment of the Water Resources Development Act of 2003”.

SEC. 5100. FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking “\$12,000,000” and inserting “\$22,000,000”.

SEC. 5101. RICHMOND NATIONAL BATTLEFIELD PARK, RICHMOND, VIRGINIA.

(a) **IN GENERAL.**—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry’s Bluff, Richmond National Battlefield Park, Richmond, Virginia.

(b) **REIMBURSEMENT.**—The Secretary shall seek reimbursement from the Secretary of the Interior of any costs incurred by the Secretary in carrying out subsection (a).

SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also known as “Strawberry Island”) in Skamania County, Washington.

SEC. 5105. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of \$1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5106. BLUESTONE, WEST VIRGINIA.

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676-2678) is amended—

(1) in subsection (b)(1)(A) by striking “4 years” and inserting “5 years”;

(2) in subsection (b)(1)(B)(iii) by striking “if all” and all that follows through “facility” and inserting “assurance project”;

(3) in subsection (b)(1)(C) by striking “and construction” and inserting “, construction, and operation and maintenance”;

(4) by adding at the end of subsection (b) the following:

“(3) **OPERATION AND OWNERSHIP.**—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).”;

(5) in subsection (c)(1)—

(A) by striking “No” and inserting “Unless otherwise provided, no”;

(B) by inserting “planning,” before “design”;

and

(C) by striking “prior to” and all that follows through “subsection (d)”;

(6) in subsection (c)(2) by striking “design” and inserting “planning, design,”;

(7) in subsection (d)—

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

“(1) **APPROVAL.**—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.”;

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

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting “, except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.”; and

(D) by adding at the end the following:

“(3) **COORDINATION.**—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.”;

(8) in subsection (e) by striking “in accordance” and all that follows through “58 Stat. 890”;

(9) in subsection (f)—

(A) by striking “facility of the interconnected systems of reservoirs operated by the Secretary” each place it appears and inserting “facilities under construction under such agreements”;

and

(B) by striking “design” and inserting “planning, design”;

(10) in subsection (f)(2)—

(A) by “Secretary” each place it appears and inserting “Tri-Cities Power Authority”;

(B) by striking “facilities referred to in subsection (a)” and inserting “such facilities”;

(11) by striking paragraph (1) of subsection (g) and inserting the following:

“(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and”;

(12) in subsection (g)(2) by striking “such facilities” and all that follows through “the Secretary” and inserting “the generating facility”;

and

(13) by adding at the end the following:

“(i) **TRI-CITIES POWER AUTHORITY DEFINED.**—In this section, the ‘Tri-Cities Power Authority’ refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled ‘Second Amended and Restated Intergovernmental Agreement’ approved by the Attorney General of West Virginia on February 14, 2002.”.

SEC. 5107. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) **CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.**—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "\$12,000,000" and inserting "\$90,000,000".

SEC. 5108. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

SEC. 5109. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,"; and

(2) by adding at the end the following:

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

"(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense."

SEC. 5110. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

"(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense."

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting "Nicholas," after "Greenbrier,".

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

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

SEC. 5111. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13) is amended by adding at the end the following:

"(9) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.

"(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.

"(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field, St. Paul, Minnesota."

SEC. 5112. BRIDGE AUTHORIZATION.

There is authorized to be appropriated \$20,000,000 for the construction of the bridge referred to in section 1001(1).

SEC. 5113. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335-337; 114 Stat. 2763A-220-221) is amended by adding at the end the following:

"(71) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

"(72) CHARLESTON, SOUTH CAROLINA.—\$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.

"(73) CROSS, SOUTH CAROLINA.—\$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.

"(74) SURFSIDE, SOUTH CAROLINA.—\$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(76) TIA JUANA VALLEY, CALIFORNIA.—\$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.

"(77) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.

"(78) RICHMOND COUNTY, NORTH CAROLINA.—\$8,000,000 for water-related infrastructure, Richmond County, North Carolina.

"(79) UNION COUNTY, NORTH CAROLINA.—\$9,000,000 for wastewater infrastructure, Union County, North Carolina.

"(80) WASHINGTON, DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.

"(81) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

"(82) INDIANAPOLIS, INDIANA.—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

"(83) HENDERSON, NEVADA.—\$5,000,000 for wastewater infrastructure, Henderson, Nevada.

"(84) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, Town of Sennett, New York.

"(85) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

"(86) AWENDAW, SOUTH CAROLINA.—\$2,000,000 for water-related infrastructure, Awendaw, South Carolina.

"(87) ST. CLAIR COUNTY, ALABAMA.—\$5,000,000 for water-related infrastructure, St. Clair County, Alabama.

"(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

"(89) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(90) WARWICK, NEW YORK.—\$1,200,000 for water storage capacity restoration, Warwick, New York.

"(91) KIRYAS JOEL, NEW YORK.—\$20,000,000 for water-related infrastructure, Kiryas Joel, New York.

"(92) WHITTIER, CALIFORNIA.—\$8,000,000 for wastewater and water-related infrastructure, Whittier, California.

"(93) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—\$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

"(94) DUCHESNE, IRON, AND Uintah COUNTIES, UTAH.—\$10,000,000 for water-related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(95) HANCOCK, HARRISON, JACKSON, AND PEARL RIVER COUNTIES, MISSISSIPPI.—\$5,824,300 for water and wastewater-related infrastructure, Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi."

SEC. 5114. USE OF FEDERAL HOPPER DREDGE FLEET.

(a) STUDY.—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for worked performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108-282. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 108-282.

AMENDMENT NO. 1 OFFERED BY MR. DUNCAN
Mr. DUNCAN. Mr. Chairman, I offer an amendment as the designee of the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DUNCAN:
Page 8, line 7, before "Except" insert "(a) PROJECTS WITH CHIEF'S REPORTS.—"

Page 8, before line 13, insert the following (and redesignate subsequent paragraphs accordingly):

(1) TANQUE VERDE CREEK, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$4,878,000, with an estimated Federal cost of \$3,170,700 and an estimated non-Federal cost of \$1,707,300.

Page 8, line 14, before "The" insert the following:

(A) IN GENERAL.—

Page 9, after line 2, insert the following:

(B) EXPEDITING BRIDGE DESIGN AND CONSTRUCTION.—The Secretary, in cooperation with appropriate non-Federal interests, shall immediately commence appropriate studies for, and the design of, a permanent bridge (including an evaluation of potential impacts of bridge construction on traffic patterns and identification of alternatives for mitigating such impacts) and, upon execution of a cost-sharing agreement with such non-Federal interests, shall proceed to construction of the bridge as soon as practicable; except that such studies, design, and construction shall not adversely affect the schedule of design or construction of authorized projects for flood damage reduction.

Page 9, after line 16, insert the following (and redesignate subsequent paragraphs accordingly):

(4) PEORIA RIVERFRONT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of \$15,182,000, with an estimated Federal cost of \$9,868,000 and an estimated non-Federal cost of \$5,314,000.

Page 9, line 21, strike "Report" and insert "Reports".

Page 9, line 22, before "at" insert "and July 22, 2003,".

Page 10, after line 12, insert the following (and redesignate subsequent paragraphs accordingly):

(6) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$103,268,000, with an estimated Federal cost of \$67,124,000 and an estimated non-Federal cost of \$36,144,000.

Page 11, after line 25, insert the following:

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2003:

(1) BEL MARIN KEYS UNIT V, CALIFORNIA.—The project for environmental restoration, Bel Marin Keys Unit V, California, at a total cost of \$133,600,000, with an estimated Federal cost of \$100,200,000 and an estimated non-Federal cost of \$33,400,000.

(2) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California, at a total cost of \$11,922,000, with an estimated Federal cost of \$7,630,000 and an estimated non-Federal cost of \$4,292,000.

(3) GWYNNS FALLS, MARYLAND.—The project for environmental restoration, Gwynns Falls, Maryland, at a total cost of \$14,660,000.

(4) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey, at a total cost of \$60,649,000, with an estimated Federal cost of \$39,422,000 and an estimated non-Federal cost of \$21,227,000.

(5) CENTRALIA, CHEHALIAS RIVER, WASHINGTON.—The project for flood damage reduction, Centralia, Chehalias River, Washington, at a total cost of \$86,872,000, with an estimated Federal cost of \$56,467,000 and an estimated non-Federal cost of \$30,405,000.

Page 15, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(3) RED LAKE FALLS, MINNESOTA.—Project for emergency streambank protection, Red Lake River, Red Lake Falls, Minnesota.

Page 16, after line 5, insert the following (and redesignate subsequent paragraphs accordingly):

(2) PALM BEACH HARBOR, FLORIDA.—Project for navigation, Palm Beach Harbor, Florida. Page 16, after line 7, insert the following (and redesignate subsequent paragraphs accordingly):

(3) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(4) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

Page 23, strike lines 10 and 11. Page 23, line 12, strike "(C)" and insert "(B)".

Page 23, line 12, strike "Secretary of the Army".

Page 23, line 14, strike "district engineer" and all that follows through "out" on line 15.

Page 23, line 19, strike "(D)" and insert "(C)".

Page 23, line 21, strike "liquidated".

Page 24, lines 3 and 5, strike "partnership".

Page 24, line 3, after "agreement" insert "under this section".

Page 24, line 15, strike "liquidated".

Page 25, strike line 7, and insert the following:

(d) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.—

(1) IN GENERAL.—Agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5(b)) shall further partnership and cooperative arrangements with non-Federal interests and shall be referred to as "partnership agreements".

Page 25, line 8, strike "(1) To" and insert "(2) REFERENCES TO".

Page 25, line 14, strike "(2) To" and insert "(3) REFERENCES TO".

Page 25, after line 18, insert the following:

(e) ENTRY OF AGREEMENT WITH DISTRICT ENGINEER.—After January 1, 2005, the agreement required to be entered into under section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) shall be entered into with the district engineer for the district in which the project will be carried out, unless, before that date, the Secretary issues policies and guidelines for partnership agreements and delegates to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law, or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources development project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources development project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) PUBLIC AVAILABILITY.—Not later than the 120th day following the date of enactment of this Act, the Chief of Engineers shall ensure that each district engineer has made available on the Internet all partnership agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5(b)) within the preceding 10 years and all partnership agreements for water resources development projects currently being carried out in that district and shall make any partnership agreements entered into after such date of enactment available on the Internet within 7 days of the date on which such agreement is entered into.

Page 36, line 19, strike "conveyed to" and all that follows through the closing parenthesis mark on line 21 and insert "owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community."

Page 74, after line 11, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2034. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation

of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the Southeastern United States; and

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) \$5,000,000 and to carry out subsection (a)(2) \$5,000,000. Such sums shall remain available until expended.

Page 76, line 4, strike "TATILEK" and insert "TATITLEK". Conform the table of contents of the bill accordingly.

Page 76, line 6, strike "Tatilek" and insert "Tatitlek".

Pages 79 and 80, move section 3012 (relating to Los Angeles Harbor, Los Angeles, California) after section 3013 (relating to Larkspur Ferry Channel, Larkspur, California). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 87, after line 15, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3028. JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$14,658,000, with an estimated Federal cost of \$9,636,000 and an estimated non-Federal cost of \$5,022,000.

Page 87, line 24, after "project" insert "in accordance with the feasibility report of October 2002".

Page 87, line 24, strike "\$12,926,000" and insert "\$12,632,200".

Page 87, line 25, strike "\$6,547,000" and insert "\$7,882,493".

Page 88, line 1, strike "\$6,379,000" and insert "\$4,749,707".

Page 88, line 2, strike "\$925,000" and insert "\$1,044,400".

Page 88, line 4, strike "\$468,500" and insert "\$651,706".

Page 88, line 5, strike "\$456,500" and insert "\$392,694".

Pages 89 and 90, move section 3032 (relating to Miami Harbor, Florida) after section 3029 (relating to Manatee Harbor, Florida). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 89, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3032. TAMPA HARBOR-CUT B, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B if the Secretary determines that such improvements are necessary for navigation safety.

Page 90, line 8, before "Federal" insert "a".

Page 90, line 8, strike “and” and insert “or”.

Page 90, line 9, strike “agencies” and insert “agency”.

Page 91, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3034. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.

(a) ONGOING PROJECT.—The project for improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to provide for a dispersal barrier for invasive species, is modified to allow that Federal assistance made available through other Federal agencies may be used toward payment of the non-Federal share of the costs of the project.

(b) NEW WORK.—The Secretary shall conduct a study of a project for the improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, and if the Secretary determines that the project is appropriate, shall carry out a project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), including upgrades or improvements to the existing barrier for aquatic invasive species. Federal assistance made available by other Federal agencies may be used toward payment of the non-Federal share of the cost of the project.

Page 100, line 23, before the period insert the following:

and to authorize the Secretary to carry out the project in accordance with the report prepared by the non-Federal interest if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible

Page 109, line 4, after “would” insert “not”.

Page 109, line 5, strike “the same” and insert “a lesser”.

Page 109, line 17, strike “\$18,000,000” and insert “\$18,200,000”.

Page 118, after line 20, insert the following:

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

Page 118, line 21, strike “(1)” and insert “(2)”.

Page 119, line 3, strike “(2)” and insert “(3)”.

Page 119, line 5, after “determination” insert “, within 180 days after the date of enactment of this Act.”.

Page 120, line 13, before “construction” insert “design and”.

Page 120, lines 14 and 15, strike “before the date of the partnership agreement”.

Page 123, line 25, insert before the period the following:

; except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet

Page 127, after line 19, insert the following (and redesignate subsequent paragraphs accordingly):

(4) MUSCATINE, IOWA.—The Mississippi River at Muscatine, Iowa project, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164).

(5) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor

N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18 thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

Page 141, after line 3, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4002. CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS WATERSHED, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, recreation, and water supply in the Chactawhatchee, Pea, and Yellow Rivers watershed, Alabama.

Page 142, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4007. NAPA RIVER, ST. HELENA, CALIFORNIA.

The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities. In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study where the Secretary determines that such plans and designs are consistent with the Federal interest.

Page 144, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4015. FALL RIVER HARBOR, MASSACHUSETTS.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

Pages 144 and 145, move sections 4016 (relating to Chicago, Illinois) and 4017 (relating to South Branch, Chicago River, Chicago, Illinois) after section 4011 (relating to Calumet Harbor, Illinois). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 150, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4033. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

Page 154, after line 12, insert the following: (20) Schuylkill River watershed, Pennsylvania.

Page 157, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

“(10) \$25,000,000 for the project described in subsection (c)(23);

Page 160, after line 25, insert the following:

(5) Project for environmental restoration, Gwynns Falls, Maryland.

Page 161, line 1, after “SPECIAL RULE” insert “FOR EGMONT KEY, FLORIDA”.

Page 161, after line 10, insert the following:

(d) SPECIAL RULE FOR GWYNNNS FALLS, MARYLAND.—The report on the project for environmental restoration at Gwynns Falls, Maryland, referred to in subsection (a)(5), shall be treated as being consistent and in compliance with the consent decree entered into between the United States and the Mayor and City Council of Baltimore, Maryland, filed with the United States District Court for the District of Maryland on April 26, 2002, and no policy of the Secretary with respect to work performed under a consent decree shall delay completion of this report and its submission to Congress.

Page 166, after line 7, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5020. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

Page 167, after line 6, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5023. HELENA AND VICINITY, ARKANSAS.

The Secretary shall accept as fulfilling the non-Federal cost sharing responsibilities for the project for flood control, Helena and Vicinity, Arkansas, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4112), the non-Federal cash contribution of \$568,000 and the lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal sponsor as of September 1, 2003, and the Secretary shall not seek to recover any reimbursement from the non-Federal sponsor related to advanced payments to, or work performed for, the non-Federal sponsor under the authority of sections 103 and 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2214).

Page 170, after line 16, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5029. PLACER AND EL DORADO COUNTIES, CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Placer and El Dorado Counties, California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties through water and wastewater projects, programs, and infrastructure.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 170, lines 19 and 20, strike "amended—" and all that follows through "by" on line 21 and insert "amended by".

Page 170, line 22, strike the semicolon and all that follows through line 5 on page 171 and insert a period.

Page 175, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5033. SAN PABLO BAY WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) REPORT.—Not later than March 31, 2008, the Secretary shall transmit to Congress a report on the results of the study.

(c) SUISUN MARSH, CALIFORNIA.—The Secretary shall conduct a comprehensive study

to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(d) SAN PABLO AND SUISUN BAY MARSH WATERSHED CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, activities, immediate and substantial ecosystem restoration, preservation and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

Participation in such critical restoration projects may include assistance for planning, design or construction.

(2) NON-FEDERAL INTERESTS.—Notwithstanding the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may serve, with the consent of the affected local government, as a non-Federal sponsor for a project undertaken pursuant to this section.

(3) COST SHARING.—Before carrying out any project under this section, the Secretary shall enter into a partnership agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the cost of construction for the project;

(B) to provide any lands, easements, rights-of-way, dredged material disposal areas and relocations necessary to carry out the project; and

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(4) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(A) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided for carrying out the project, regardless of the date of acquisition;

(B) funds received from the CALFED Bay-Delta program; and

(C) the cost of the studies, design and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000.

Page 176, after line 17, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5034. UPPER KLAMATH BASIN, CALIFORNIA.

(a) DEFINITION OF UPPER KLAMATH BASIN.—In this section, the term "Upper Klamath Basin" means the counties of Klamath, Oregon, and Siskiyou and Modoc, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Upper Klamath Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in the Upper Klamath Basin through water and wastewater and ecosystem restoration projects, programs, and infrastructure.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000. Such sums shall remain available until expended.

Page 181, after line 11, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5041. COOK COUNTY, ILLINOIS.

Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 535; 114 Stat. 2763A-221) is amended—

(1) by striking "\$35,000,000" and inserting the following:

"(A) IN GENERAL.—\$35,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$80,000 for the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

Page 186, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5045. SOUTHWEST ILLINOIS.

(a) DEFINITION OF SOUTHWEST ILLINOIS.—In this section, the term "Southwest Illinois" means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall re-

ceive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 197, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5053. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1271), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

Page 199, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5059. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection in the vicinity of Highway 2, Crookston, Minnesota, and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be \$6,500,000.

Page 203, after line 8, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 5065. DELAWARE RIVER, TRENTON, NEW JERSEY.

The Secretary shall provide assistance to address floating and partially submerged debris in that portion of the Delaware River downstream from Trenton, New Jersey.

Page 206, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5069. GATEWAY POINT, NORTH TONAWANDA, NEW YORK.

The Secretary shall review the shoreline stabilization, recreation, and public access components of the feasibility report for waterfront development at Gateway Point, North Tonawanda, New York, entitled "City

of North Tonawanda, Gateway Point Feasibility", dated February 6, 2003, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed \$3,300,000.

Page 207, after line 18, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5071. TIMES BEACH DIKE, BUFFALO, NEW YORK.

As part of operation and maintenance of the Buffalo Harbor and Buffalo River navigation projects, the Secretary may repair the Times Beach confined disposal facility dike, Buffalo, New York.

Page 217, after line 13, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5092. J. PERCY PRIEST DAM AND RESERVOIR, OHIO RIVER BASIN, TENNESSEE.

The Secretary shall plan, design and construct upgrades to the existing trail system at the J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), including design and construction of support facilities for public health and safety associated with trail development. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

Page 218, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5094. EAST TENNESSEE.

(a) DEFINITION OF EAST TENNESSEE.—In this section, the term "East Tennessee" means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

(H) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 230, line 23, strike "\$20,000,000" and insert "\$30,000,000".

Page 230, line 24, strike "1001(1)" and insert "1001(a)(1)".

Page 234, line 17, strike the closing quotation marks and the final period.

Page 234, after line 17, insert the following:

"(96) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—\$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

"(97) ARCADIA AND SIERRA MADRE, CALIFORNIA.—\$20,000,000 for water-related infrastructure, Arcadia and Sierra Madre, California.

"(98) EL PASO COUNTY, TEXAS.—\$25,000,000 for water-related infrastructure and resource protection and development, El Paso County, Texas.

"(99) ATLANTA, GEORGIA.—\$35,000,000 for implementation of a sanitary sewer overflow control plan, Atlanta, Georgia.

"(100) CHATTAHOOCHEE RIVER, GEORGIA.—\$20,000,000 for implementation of wastewater infrastructure and resource protection to enhance water quality in and adjacent to the Chattahoochee River, Georgia.

"(101) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to

improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

"(102) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, Imperial County, California.

"(103) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—\$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California."

Page 235, after line 12, insert the following (and conform the table of contents of the bill accordingly):

SEC. 5115. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading "Administrative Provisions" of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5116. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this en bloc amendment makes technical and conforming changes to project-related provisions in the bill and authorizes or modifies additional projects brought to the committee's attention following committee action.

Specifically, the Corps of Engineers has prepared nine additional chief's reports, recommending that Congress authorize certain water resources projects. The amendment also directs the Corps of Engineers to carry out a number of small projects under existing Corps authorities to improve navigation, provide flood damage reduction and improve the quality of the environment. For other projects that have not been studied, the amendment authorizes four new Corps of Engineers studies.

This amendment, like the underlying bill, has been developed in a bipartisan fashion. All projects must be in the Federal interest and must comply with cost-sharing and cost-benefit rules. This means not every project could be addressed. But, within these con-

straints, we did our best to meet the needs of all our communities and all the Members that we possibly could.

I urge all Members to support this amendment.

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

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois is recognized for 10 minutes.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not rising actually in opposition to the amendment, but I am claiming the time. I actually am rising in support of the manager's amendment that is offered by the gentleman from Alaska (Mr. YOUNG).

The amendment offered by the gentleman from Alaska (Chairman YOUNG) is a bipartisan amendment addressing various needs and issues that have come to the committee's attention since the bill was considered at markup in July. The amendment contains modifications to provisions in the bill and a few new items. Each were considered by the leadership of the Committee on Transportation and Infrastructure, and they are consistent with the policies of the committee for inclusion in the Water Resources Development Act.

The Young amendment contains nine new authorizations or modifications based upon completed reports of the Chief of Engineers. It includes authorization of 5 small projects and modification to 10 existing projects. There are two new project deauthorizations and authority for the Corps to conduct four new project studies.

Mr. Chairman, this amendment, like the underlying bill itself, was developed in a bipartisan process that ensured that Members on both sides of the aisle were treated fairly and openly.

Mr. Chairman, I congratulate the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), for their cooperation in developing not only the bill, but this amendment, and I urge the adoption and approval of the manager's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I have no further speakers. I yield back the balance of my time and urge support for this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to clarify one point that is in this bill. I was going to ask unanimous consent to modify the bill, but the Democrats have not had an opportunity to make a final decision about that, and we are ready to

move to final passage. So I would just ask the gentleman from Tennessee if he would clarify this with me.

I rise to enter into a colloquy with the gentleman from Tennessee (Mr. DUNCAN) to clarify section 3090 of the bill today.

Included in this bill, H.R. 2557, is language regarding the Roanoke River Upper Basin Flood Control Project, a much-needed project located in the Sixth Congressional District of Virginia. This project has been in discussion for many years, and my community, along with the Corps of Engineers, stands ready to begin construction within the year. As written, section 3090 contains language stating that awards for contracts will be based on invitation for bids procedures.

Mr. Chairman, I wonder if you might clarify the intent of that language.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, my understanding from staff on the other side is that the staff on the other side of the aisle and the Members on the other side of the aisle, particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will be glad to work with the gentleman from Virginia (Mr. GOODLATTE) if the gentleman withdraws his colloquy at this point.

I will say that there is language in the bill at this time that attempts to get at the problem that the gentleman from Virginia (Mr. GOODLATTE) is trying to solve. The language says, "In carrying out the project, the Secretary shall award contracts based on an invitation for bids procedure."

If that is not satisfactory to accomplish the goal of the gentleman from Virginia (Mr. GOODLATTE), if he feels that he is in a position to withdraw the colloquy at this point, then it is my understanding that the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will try to work with the gentleman from Virginia (Mr. GOODLATTE) to resolve this issue.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, as the chairman knows, it is my intention that anybody be able to bid on this contract. That is what the city of Roanoke desires and so on. However, if the understanding is with the other side that they will at least strike this language that does not clarify that, I would ask unanimous consent at this time to strike the language at page 121, lines 5 and 6, carrying to the end of that section.

The CHAIRMAN pro tempore. That unanimous consent request is not in order in the Committee of the Whole.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, let me assure the gentleman that, number one, we have an agreement to strike the language, we agree to that, and we will work with the gentleman and with

the chairman of the subcommittee and the gentleman from Alaska (Mr. YOUNG) further. But we are not willing to go any further today than to strike the language.

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. GOODLATTE. Is it correct that once we are out of the Committee of the Whole and into the House itself, that this unanimous consent request would be in order at that time?

The CHAIRMAN pro tempore. The unanimous consent to modify the bill before final passage might be entertained in the House after the committee rises.

Mr. GOODLATTE. Mr. Chairman, I would ask the gentleman from Illinois (COSTELLO) if that would be appropriate, to raise it in the House?

Mr. COSTELLO. Mr. Chairman, if the gentleman will yield further, if the subcommittee chairman would make a motion to strike the language without any reference to legislative intent, just take the language out, we would agree to that.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108-282.

AMENDMENT NO. 3 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ROHRABACHER:

Page 74, after line 11, insert the following: **SEC. 2034. PORT OR HARBOR DUES.**

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) by inserting "or container fees" after "tonnage duties or fees";

(2) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (i);

(B) by striking "and" at the end of clause (ii) and inserting "or"; and

(C) by inserting after clause (ii) the following:

"(iii) to finance the cost of construction and operation and maintenance of any infrastructure project for a harbor, including an infrastructure project outside the boundaries of the harbor if the project is for transportation to, from, or through the harbor; and"; and

(3) in paragraph (1)(B) by inserting "and security" after "emergency response".

Conform the table of contents of the bill accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will see to it that the massive costs in mak-

ing our ports and harbors more secure are shared by those foreign manufacturers who use these facilities. The American people should not be stuck with the entire costs of the expensive infrastructure and security upgrades now necessary for the sake of homeland security.

What happens under the current system is that Americans are taxed to pay for improvements to our ports, which are then used by foreign manufacturers to move more efficiently in their exporting of products into our market. Yes, we end up taxing our own manufacturers in order to help their foreign competitors put them out of business. Something is wrong with this formula.

My amendment will permit local port authorities the right to levy a fee on containers traversing through their ports. This fee will be fed into a fund controlled by the authority to meet the new and rising cost of security and infrastructure.

Why should all the tens of billions of dollars needed for this upgrading come out of the hide of our own taxpayers? Should the manufacturers in Shanghai not pay a share of the cost through a fee on the containers they use? After all, are these foreign manufacturers not making huge profits by using an infrastructure provided for them by our own taxpayers?

Surprisingly, some of our ports are opposed to this amendment. You can hear lobbyists around the Hill talking about it. They like the status quo. They come to Washington and expect us to provide them more and more money by just simply taking it right out of the hide of the American working people. They want us, whenever there is an upgrade necessary, especially as we look into the future where it is not just regular upgrades and regular structural operations in their ports, now that we are looking at a huge expense because of homeland security needs, they just expect us to hand it to them and take it right out of the pockets of the American people.

Well, I am sorry, but that is not the fair way to do things, and that is not the best way to do things. We should be expecting foreign businesses through a container fee to pay their fair share.

If the ports do not want to ask them for that, but would rather come here and have us take that money out of the pockets of our own people, well, I am sorry, they are going to be disappointed. But the American people will not be disappointed. The American people will be disappointed if we continue to provide people overseas who manufacture products that put our own people out of work, that we continue to provide them these services free of charge, of course, at the expense of the American taxpayer.

Mr. Chairman, lobbyists have been around. Some of the people who vote on this bill will have heard from their lobbyists saying they have to be against the container fee, I am suggesting, because it is going to go to a

non-Federal interest. That is right, it is not going to go into the Federal pool of money here. It is going to be kept locally by the port authorities to be used for infrastructure and security matters in those local areas, or it could perhaps, for example, be used for matching funds. If the Federal Government is going to provide something, they could use that for matching funds. This is fair to the American taxpayer.

□ 1715

If there is any problem with wording, a little bit of wording here, little tweaks that need to happen to make this a perfect bill, I am happy to work with the chairman and work with the people on this committee as this bill moves forward. But if this bill loses today, if my amendment loses today, it will mean the American taxpayer is going to get stuck with all of this cost, and we are basically letting these foreign manufacturers off the hook; and we all know that. This is our chance to start this process down the road so we will have container fees and a more fair system of providing resources to our ports and our harbors.

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

Mr. DUNCAN. Mr. Chairman, on behalf of the committee and the gentleman from Alaska (Chairman YOUNG), I claim the time in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to the gentleman's amendment. I can understand the gentleman's interest in supporting the additional investment in infrastructure and security, but I believe that the Rohrabacher amendment is not the best way to pursue that goal.

In the brief time that we have had to review the proposal, the committee has heard only objections to the proposal. Port interests, those that one would expect would be supporting this proposal, have indicated that they are either in opposition or that they have no position. We have been contacted by the California Marine Affairs and Navigation Conference who are opposed to the amendment; the California Association of Port Authority is opposed; the American Association of Port Authorities, they defer action and recommend that we take no position on this issue, at least they take no position. The Port of Long Beach is opposed, and the Port of Stockton is opposed. Those are just some of the port interests that have contacted us just today, since the amendment was given to us.

Let me also say that a proposal similar to the Rohrabacher proposal, but a little more narrow than the Rohrabacher amendment, was considered in the last Congress during the committee's work on the Maritime Transpor-

tation and Security Act of 2002. That proposal was not adopted, in large part due to the strong objections from the Office of Management and Budget within the Bush administration.

The fees contemplated in the Rohrabacher amendment would be available for ports or States to use for any infrastructure project, including infrastructure outside the boundaries of the harbor, if the project is for transportation to, from, or through the harbor. This could be any road, rail, or even any airport project associated with the harbor. It could include the locks and dams on the inland waterway system.

The committee has long supported transportation trust fund financing of transportation modes. Highway users support highways, inland waterway users support inland waterways, airport users support airports, and port users support ports. It is inappropriate to establish a fee system where the containerized cargo industry could be supporting other transportation modes.

This amendment could encourage ports or States to view containerized cargo as a simple source of revenue, in effect, a hidden tax to finance any and all transportation modes.

Mr. Chairman, this amendment simply does not have broad-based support, and we should reject the amendment. There have been no hearings on the proposal. I would suggest that we have the opportunity to learn more about the proposal in the appropriate forum in the subcommittee of this Committee on Transportation and Infrastructure. While I will say that my friend from the Committee on Transportation and Infrastructure and the Committee on Science, whom I serve with on the Committee on Science, that his amendment is well intentioned, and I would like to work with him to achieve what he is attempting to achieve, I believe that this amendment, in its current form, is more harmful than beneficial. Let us, on the appropriate authorizing committee, have the opportunity to consider and debate it. But I stand in opposition to the amendment as it is presented before us today.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Any amendment such as this and as broad as this should be debated and heard in the hearing process rather than coming right here to the floor of the House. This is almost giving to local government tariff authority. I question exactly the constitutionality of this. This is not just simply a user fee. It is much broader than that, and it goes on much beyond that. The ports of our Nation should be heard on this particular issue. All of the indications that I have and the letters and correspondence that I have before me indicate opposition to this idea.

This type of authority and granting this type of authority, what I under-

stand to be authority to impose a fee, or one might call it a tax upon imports into this country and use those funds outside of the port is certainly a very broad step, and I think a step in the wrong direction.

Mr. Chairman, I certainly would urge all Members to vote against this amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just suggest, we do not represent the ports here. By the way, if anybody represents the ports in this room today, it is me. I represent, in my district, the ports of Los Angeles and Long Beach; and if there is anything I understand now about being a Congressman from an area that represents ports is the ports are looking for leadership. The American people, surprise, surprise, are looking for leadership from us.

Our job is not to make our decisions by, well, let us call up the people who want Federal money and see if they want us to give them Federal money. That is not our job. Our job is to try to structure a system that works for the benefit of the American people.

I would suggest this: that even though I represent both the ports of Los Angeles and Long Beach, who I really represent are the American people. I do not know if any of my colleagues have had the experience that I have with the small manufacturers in their areas. I have gone to small manufacturers in my area, and what have I found? They are going out of business. And they are going out of business because we have set up a structure that has permitted foreign manufacturers to slip into our market at almost no expense to those foreign manufacturers and undercut our own manufacturers. Why is it so wrong that we would expect that those foreign manufacturers pay a little fee, a little fee on the containers they are using so they can help build the infrastructure, rather than tax those companies that I visited in my district who are going under because of this, really, actually, American tax-supported competition that they are having to face? This is not right.

I can see why our ports and harbors do not want this. They do not want to have to ask for that fee. Well, the fact is, it is good for America, it is good for the American manufacturer, and it will be good for our ports in the end if we give them this port.

This idea that they may not get the money, we can tweak this language; we all know that. If this amendment passes, we can tweak the language to make sure it goes exactly where we want it, into security and infrastructure for these ports. But if we do not pass this amendment, this idea is dead, this idea is dead; and what is going to happen is, the tens of billions of dollars, right now, that we are making a stand on, will be paid by the American

people, rather than through a container tax paid for by foreign manufacturers.

I say it is time for this body to stand up and provide some leadership. Who cares what the ports say right now. If they are operating in their self interests, we have to operate in America's interests, and it is in America's interests to have foreign manufacturers contribute to infrastructure costs here.

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

Mr. DUNCAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time.

I think one of the things that is important for us to consider when we are dealing with issues of our infrastructure with ports, we have a requirement here I think of the Federal Government to be a full partner. The Federal Government is a full partner with our ports around the country, and I think we need to be careful with the authority to levy charges coming in and out of our ports. This could have a very significant differential effect up and down, for example, the west coast.

I am supportive of the notion of our committee investing more money in infrastructure from water resources to roads to transit, but I would hope that it is not done in a scatter-shot fashion where we take Federal authority and turn it over to interfere with the orderly flow of commerce and trade; but rather that we, as has been recommended by our ranking member and our chairman, have a consideration before the committee about what those resources' needs are.

Frankly, we have higher priorities, in my judgment, that we are not meeting now. We have had difficulty providing adequate resources now to deal with critical maintenance dredging, to deal with port infrastructure, to deal with other areas that are connected; and I think the last thing we need to do is to take a step back to balkanize this, to move away from the system. This is authority that I think we as a committee ought to be looking at to be able to have an integrated system dealing with multimodal requirements and promoting an integrated, smooth flow of trade.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just note that this creates a new revenue flow. This amendment will create new revenue, a new source of revenue that begins perhaps in Shanghai or some other foreign country, and that revenue then can be used to our benefit. Now, the only other option we have, of course, is to fight over limited revenue, all of which is taken out of the pockets of the American people.

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

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Alaska (Chairman YOUNG) wanted to be here to make a statement in opposition to this amendment. On his behalf, I have been asked to point out, at least, that the ports already have the authority to charge fees for the services that they render; they do not need Congress to give them this authority.

Also, the gentleman from Alaska (Chairman YOUNG) feels that if this amendment were to pass, this could force ships to go to other ports. Also, we have letters from the American Association of Port Authorities and the California Marine Affairs Navigation Conference, the Port of Long Beach, the California Association of Port Authorities, the Virginia Port Authority, the Port of Stockton, and other similar groups opposing the gentleman's amendment.

Let me just say that as the gentleman from Illinois has said, we certainly sympathize with the gentleman's amendment. The gentleman from California and I came to Congress together. There is almost nobody in this Congress that I admire and respect more than the gentleman from California (Mr. ROHRABACHER).

I think, as the gentleman from Illinois said, this amendment is well intentioned. I think it is something that our subcommittee could and should hold a hearing about. And I think that perhaps if the gentleman would work with the committee and the subcommittee and the various organizations, the port authorities and the shipping industry, there might be a way to accomplish what he is attempting to accomplish through this amendment.

But at this point, we do have to rise in opposition to this amendment because it is something that I think probably deserves and probably needs a little additional work.

Mr. Chairman, I yield such time as I may have remaining to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for yielding me this time.

I just want to point out, in support of the committee position, that during the House-Senate conference on the port security bill last year, we were attempting to negotiate a fee proposition that would provide funding for the needs of ports to conduct the security measures that were required under the Port Security Act, and we hit upon this idea of a container fee. It was discussed between a Member of the other body and the gentleman from Alaska (Chairman YOUNG) and me. And we revised and revised this language down so we had it very narrowly honed to fit the definition of the Office of Management and Budget that a fee is a charge for a service directly related to the purpose for which the charge is imposed. That language proved to be unacceptable to the Office of Management and Budget, not on its merits, but on policy grounds that they did not want to fund port security with a container fee.

□ 1730

At the request of the President, Senator HOLLINGS and I, and the gentleman from Alaska (Chairman YOUNG) agreed to drop that language.

Now, while I am very much in sympathy with the purposes for which the gentleman from California (Mr. ROHRABACHER) wishes to generate this source of revenue, we tried a much more narrow application and ran aground on the rocks of OMB. We shoaled, if you will, on this issue. And I fear that there will be the same response were we to take a wider view. And I think that the gentleman from Tennessee's (Mr. DUNCAN) wise injunction let us put this aside, let us come back to work on the issue together, constructively, and find a way that we can reason together with the Office of Management and Budget.

Mr. ROHRABACHER. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side to allow the gentleman from Alaska (Mr. YOUNG) to speak.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman from Minnesota (Mr. OBERSTAR) and my friend, the gentleman from Tennessee (Mr. DUNCAN), the chairman of the committee and rise in opposition. I do this somewhat reluctantly because the gentleman from California (Mr. ROHRABACHER) has talked to me about this issue over some time.

But to have a cliché, I do not think this amendment does anything right now but muddy the waters, and this is a very clean bill, and I would suggest respectfully that although his endeavors have great merit, that to put it on this bill, at this time, would be a detriment to the bill itself. We have had most, I would say all of the harbors speak out very strongly about this.

As the gentleman from Minnesota (Mr. OBERSTAR) said, if this was to be left in the bill or be adopted in this committee, then I think there would be a great opposition to the legislation because of OMB. And I would prefer that not to happen. I would prefer this to be a clean bill. I will work with the gentleman from California (Mr. ROHRABACHER) to try to solve this problem because I happen to agree that there ought to be some revenues generated from all the cargo containers that come into our ports, but I do not believe this is the appropriate vehicle to do so.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I certainly respect those people, especially the gentleman from Alaska (Chairman YOUNG) for the very hard work they have put into this legislation.

It has always been my intent to support this legislation. So this is not

done with the spirit of anything except trying to do something for the American people because this is an opportunity that we have today to start working on a very positive idea.

There is no reason for us to put this off. If we put this on this legislation today, this idea will move forward, and a lot of work will be done on this, and we will move toward this goal.

If this amendment fails, what we have done is condemn the American people to tens of billions of dollars of expense that could have been taken up by foreign manufacturers who are importing their goods into our ports and putting their goods onto our market and undercutting our domestic manufacturers.

Earlier the gentleman from Alaska (Chairman YOUNG) suggested that perhaps the ports already have this authority, thus this amendment is redundant. Let me say if that is the analysis, why not pass it then? There is no reason then, if the ports already have this authority, why are we so hesitant about passing this? The reason we are so hesitant is that there are powerful interests at play. We should be interested in what is the effect on the American people.

We face, in these next 12 months, a horrendous, an astronomic expense in our ports, making them safe, making them more secure and more efficient. We should start working right now, and this is how we can do it, finding a new revenue source, a source for manufacturers overseas that will help us accomplish this mission. OMB will go along. The ports will go along. The American people will applaud us if we provide the leadership today, and that is what I am suggesting.

I would ask my colleagues who are listening to this debate to join me, siding with the American people, the American manufacturer and let us not tax billions of dollars from them when we could have a fee paid by foreign manufacturers that would provide us the revenues necessary to make our ports secure and to upgrade their infrastructure.

Mr. Chairman, I appreciate the good work that those people who have worked on this legislation have done, and I intend to support this one way or the other.

Mr. OSE. Mr. Chairman, today, I rise to discuss Mr. ROHRABACHER's Amendment (No. 1) to the Water Resources Development Act of 2003 (H.R. 2557). This amendment is well intended since it seeks to find a way to provide additional funds for needed port security improvements. It permits seaports to impose fees to be collected on a per container basis to be used for port security.

On May 21, 2003, after holding a hearing on port security, with my Government Reform Subcommittee Ranking Member JOHN TIERNEY, I introduced a bi-partisan bill, entitled the "Port Security Improvements Act of 2003" (H.R. 2193). Our bill takes a different approach. To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided

sufficient Federal funding to fully ensure port security. Currently, the U.S. Customs Bureau collects \$15.6 billion in duties on commodities entering the U.S. through marine transportation. Our bill dedicates a portion of these duties for five years toward port security enhancements. In addition, our bill reflects other recommendations from our witnesses. It sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11 world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

H.R. 2193 currently has 31 co-sponsors. This summer, both the American Association of Port Authorities (AAPA) and I requested that Transportation and Infrastructure Subcommittee Chairman FRANK LOBIONDO hold a hearing on this bill. Today, I ask for additional co-sponsors for H.R. 2193 and for Chairman LOBIONDO to schedule the requested hearing.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF KIND AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Kind amendment be made in order immediately after the disposition of the Rohrabacher amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2557.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 108-282 offered by the gentleman from California (Mr. ROHRABACHER) had been debated.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 359, not voting 10, as follows:

[Roll No. 518]

AYES—65

Abercrombie	Holden	Pence
Akin	Hostettler	Petri
Bartlett (MD)	Hunter	Pitts
Barton (TX)	Johnson (CT)	Pombo
Burr	Johnson, Sam	Radanovich
Burton (IN)	Jones (NC)	Renzi
DeFazio	Jones (OH)	Rohrabacher
DeLauro	Kanjorski	Royce
Doolittle	Kaptur	Ryan (WI)
Emerson	Kennedy (RI)	Sabo
Farr	Kilpatrick	Sanders
Foley	King (IA)	Sensenbrenner
Franks (AZ)	Kucinich	Shays
Gingrey	Langevin	Sherman
Green (WI)	Lantos	Slaughter
Gutknecht	Larson (CT)	Smith (MI)
Hall	McNulty	Stark
Hart	Musgrave	Tancredo
Hastings (FL)	Nadler	Taylor (MS)
Hayworth	Neugebauer	Taylor (NC)
Hefley	Olver	Wamp
Hobson	Otter	

NOES—359

Ackerman	Bishop (GA)	Burns
Aderholt	Bishop (NY)	Buyer
Alexander	Blackburn	Calvert
Allen	Blumenauer	Camp
Andrews	Blunt	Cannon
Baca	Boehlert	Cantor
Bachus	Boehner	Capito
Baird	Bonilla	Capps
Baker	Bonner	Capuano
Baldwin	Bono	Cardin
Ballance	Boozman	Cardoza
Ballenger	Boswell	Carson (IN)
Barrett (SC)	Boucher	Carson (OK)
Bass	Boyd	Carter
Beauprez	Bradley (NH)	Case
Becerra	Brady (PA)	Castle
Bell	Brady (TX)	Chabot
Bereuter	Brown (OH)	Chocola
Berkley	Brown (SC)	Clay
Berman	Brown, Corrine	Clyburn
Berry	Brown-Waite,	Coble
Biggert	Ginny	Cole
Bilirakis	Burgess	Collins