

209, 302, 401–404, 411, 416, 441, 601–607, 609–612, 631, 651, 652, 661, 711, 712, 721–724, 731, 741–744, 751, 754, 757, 759, 801–811, title IX, sections 1002, 1225–1227, 1451, 1452, 1701, 1820, and title XXIV of the House bill, and sections 125, 126, 142, 212, 230–232, 251–253, 302, 318, 327, 346, 401–407, 415, 503, 601–607, 609, 610, 624, 631–635, 706, 721, 722, 725, 731, 734, 751, 752, 757, 801, title IX, title X, sections 1102, 1103, 1105, 1106, 1224, title XIV, sections 1601, 1602, and 1611 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT, and Mr. GORDON.

Proposed that Mr. COSTELLO is appointed in lieu of Mr. GORDON for consideration of sections 401–404, 411, 416 and 441 of the House bill, and sections 401–407 and 415 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 101–103, 105, 108, 109, 137, 205, 208, 231, 241, 242, 320, 328–330, 377, 379, 721–724, 741–744, 751, 755, 756, 758, 811, 1211, 1221, 1231, 1234, 1236, 1241, 1281–1283, 1285, 1295, 1442, 1446, 2008, 2010, 2026, 2029, 2030, 2207, and 2210 of the House bill, and sections 101–103, 105, 107, 108, 281, 325, 344, 345, 383, 731–733, 752, 1211, 1221, 1231, 1233, 1235, 1261, 1263, 1266, and 1291 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and OBERSTAR.

From the Committee on Ways and Means, for consideration of title XIII of the House bill, and sections 135, 405, title XV, and section 1611 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CAMP, and RANGEL.

There was no objection.

#### MESSAGE FROM THE SENATE

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, July 11, 2005.

Ordered, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H.R. 2985) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.", to make technical corrections in the engrossment of the Senate amendment.

Attest: Emily J. Reynolds, Secretary.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H.R. 2985 will be returned to the Senate.

There was no objection.

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2864.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1145

#### WATER RESOURCES DEVELOPMENT ACT OF 2005

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 346 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. 2864.

□ 1145

#### 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. 2864) 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. BONILLA 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 gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

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

Mr. DUNCAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation. I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their hard work.

This is a bill that has been from very bipartisan work together, which made it, in fact, a great bill.

And I urge everybody to vote against the Flake amendment. Keep that in mind. The Flake amendment is not a good amendment for this bill. If we want to relieve our congestion on our highways, we have to use our waterways.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), our chairman and ranking member, and the chair of the subcommittee for their leadership. I am delighted to acknowledge that this committee works bipartisanship.

Today, we consider the Water Resources Development Act of 2005. And

this bill addresses what the Congress failed to do for the past 5 years, to enact a Water Resources Development Act.

I support biennial legislation for the Corps water resources program. It is critical to maintain a 2-year cycle to provide continuity to the program and certainly to the nonfederal sponsors who support the Corps projects.

A biennial 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. 2864 authorizes projects for the entirety of the Corps civil works program. It includes major flood control, navigation, environmental restoration, and other water resources projects. This legislation represents roughly 5½ years of project requests and modifications, as well as oversight over how the Corps of Engineers carries out its business.

As in the past, projects included in this bill were included not on the basis of whether they were Democratic projects or Republican projects but on their individual merit. And this is as it should be.

Many of these projects provide vital public safety and economic benefits to our constituents. Their approval should not be withheld solely for partisan reasons. Again, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee, for working with me and with individual Members on both sides of the aisle to accommodate their requests for this important legislation. All of us know that the more we delay projects like this, the more costly they become and sometimes the conditions worsen.

I also acknowledge our leadership of the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who cannot be here because he is attending the funeral of his mother-in-law, but he certainly has interest and a great deal of expertise in water resources issues.

I strongly support this legislation and recommend that my colleagues vote in favor of final passage.

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

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

I rise to urge all Members to support H.R. 2864, the Water Resources Development Act of 2005. I want to first acknowledge the great assistance, the hard work, and especially the bipartisan nature of all the efforts of the staff on both sides and the gentleman from Alaska (Chairman YOUNG), our great chairman; the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who has worked on this committee as a staff member and as a member since being elected to the House and has seniority over all of us on that; and my close friendship and good working relationship with the gentlewoman from Texas (Ms. EDDIE

BERNICE JOHNSON), my ranking member. And I want to acknowledge also the hard work done by the gentleman from Illinois (Mr. COSTELLO), the former ranking member, with whom we worked out so many contentious issues the first time this bill came up.

The bill authorizes and directs the Corps to carry out various studies, projects, and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration and protection. H.R. 2864 is very similar to H.R. 2557 from the last Congress, which passed this House on September 24, 2003, by a vote of 412 to 8.

At the beginning of this Congress, the Committee on Transportation and Infrastructure leadership sent a Dear Colleague to all House Members to give them an opportunity to update their project requests. In response, the committee received more than 340 letters from Members making requests for more than 1,000 projects, studies and modifications. Given budgetary constraints, we could not accommodate every request. However, we were able to address over 600 separate matters.

The bill also includes provisions that reform the planning and project development process of the Corps of Engineers, including the most extensive independent peer review process ever set forth in one of these water resources bills or any other bill. These provisions were worked out in a bipartisan manner in the Committee on Transportation and Infrastructure last Congress and were in the WRDA bill that the House approved overwhelmingly at that time.

We stand by the agreement that we made during the last Congress and have made only a few clarifying changes to these policy provisions. As a result, the main difference between H.R. 2864 and the bill from the last Congress is the addition of three large projects that were not ready for authorization during the last Congress but have now completed chief's reports from the Corps of Engineers. These projects are the Indian River Lagoon Everglades Restoration project, the Louisiana Coastal Area Ecosystem Restoration program, and the Upper Mississippi River and Illinois Waterway Navigation and Ecosystem Restoration program. Together, these projects represent \$5 billion in federal authorization or about half the cost of this bill. We knew these chief's reports were coming, so, in the last Congress, the Water Resources and Environment Subcommittee held separate hearings on each. Later there will be debate on part of the Upper Mississippi River and Illinois Waterway chief's report, the authorization of the seven new locks there. This is a \$1.8 billion authorization, but one half of that funding comes from the Inland Waterway Trust Fund, which is funded by a 20 cents per gallon tax on inland waterway fuel.

These lock authorizations are the number one priority of the Inland Wa-

terway Users Board, the board representing the people who pay into the inland Waterway Trust Fund. It is important to understand that the Upper Mississippi River and Illinois Waterway Navigation Authorization is not the most costly Corps project. The authorization of \$1.8 billion is for seven different locks; so the per-project cost is really on average \$257 million.

At the subcommittee hearing on the Upper Mississippi River and Illinois Waterway project, the subcommittee received very strong testimony in support of this project from the Department of Agriculture, the Department of Transportation, and the Department of the Interior and the Environmental Protection Agency. All of the civil works projects in this bill, all of them, Mr. Chairman, are investments in America that save capital, make our exports more competitive, make our imports more affordable, and improve our environment and our quality of life.

Over 200 organizations have sent us letters supporting this legislation, including the U.S. Chamber of Commerce, who has stated that they will make this one of their key votes of the year; the American Farm Bureau; the American Association of Port Authorities; the American Society of Civil Engineers; the Associated General Contractors of America; the National Association of Flood and Stormwater Management Agencies; the National Corn Growers Association; the National Association of Wheat Growers; the National Council of Farmer Cooperatives; the National Mining Association; the National Stone, Sand and Gravel Association; the Portland Cement Association; seven different national labor unions. In fact, I do not believe that we will deal with any bill in the Congress this year that has more bipartisan and broad support from both labor and business than this legislation, and over 180 other organizations that would be too numerous to name, and it would take too much time.

Finally, Mr. Chairman, I want to recognize again the expertise and friendship provided by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the subcommittee. It is an honor and privilege to work with her and also the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the entire committee. We have a bill that has the unanimous support of the Committee on Transportation and Infrastructure.

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

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I would also like to thank the gentleman from Alaska (Mr. YOUNG), chairman of the full committee; the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee, for all of his hard work; and of course the work of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), our ranking member on the subcommittee, for a job well done for bringing this legislation to the floor today. Without their strong leadership, dedication and persistence, we would not have a bill before us to consider.

H.R. 2864 authorizes projects for major flood control, navigation, environmental restoration, and other water resource projects, as well as it includes authorization of several important projects to restore and enhance the Nation's environmental infrastructure.

The United States transportation system is the envy of the world. We have an extensive system of highways, ports, locks and dams, and airports. Yet we have neglected to upgrade and modernize our infrastructure over the years. We should not build infrastructure in this country and then walk away from it without maintaining it and modernizing it as it becomes antiquated like we have done with the Upper Mississippi River and the Illinois Waterways lock and dam system.

This bill, after 15 years of talking and inaction, finally authorizes the modernization of the Upper Mississippi and Illinois Waterway system. The bill authorizes the replacement of 600-foot navigation locks with seven new 1,200-foot locks. In addition, the bill authorizes the largest environmental restoration program, next to the Florida Everglades, to ensure that the project goes forward respecting the environment and minimizing any adverse impact.

At a time when other countries are investing and improving their navigation systems, we are still operating a lock and dam system that is well over a half century old, built to handle 600-foot barges, not the 1,200-foot barges of today, and a system that exceeded its life expectancy over 20 years ago and is very expensive to maintain and repair. Our current system loses about 10 percent of its capacity every year due to system failures and breakdowns.

The gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Arizona (Mr. FLAKE), my friends, have offered an amendment that I urge all of my colleagues to oppose. In my opinion, if this amendment is adopted, it will further delay and most likely kill the modernization project. They raise questions about the need for the project and have concerns about the environment. They believe that, with the increased use of ethanol here in the United States, that traffic will decrease in the coming years on the Mississippi River and the Illinois waterways. On the question of the need to modernize for the future of the system, some studies have said that major increases in traffic will take place. Others have indicated that the demand

will decrease. It depends on which study we look at and read and which study we want to believe.

What we do know for certain is that other countries are investing in modernizing their navigation system and our system on the Upper Mississippi and the Illinois waterway system outlived its life expectancy over 20 years ago. The system cannot handle today's traffic in an efficient and cost-effective manner, and it is costing taxpayers tens of millions of dollars to patch it together, let alone the cost in time and money.

On the issue of ethanol, I agree with my friends that there will be an increase in the production of ethanol and more of a demand here at home.

□ 1200

Let me also say that increase in demand here at home will require that we transport both grain and DDGS both in the United States and abroad. Already, in the first quarter of this year, we have seen an 11 percent increase in DDGS shipped to other countries using ethanol through the New Orleans Port.

Lastly, the environment. I am as concerned about the environment as anyone. I would not support the modernization of the Upper Mississippi without the safeguards in this bill that respect the environment. This project will have the second largest environmental restoration program in the Nation.

Finally, we do not need another study. We do not need further delays. We need to move forward with the project to modernize the navigation system, while providing congressional oversight in making certain that the environmental restoration protections are implemented.

The gentleman from Tennessee (Chairman DUNCAN) has indicated that this bill probably has more support from the business community and labor unions than any bill that we will consider this year.

Mr. DUNCAN. Mr. Chairman, at this time I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER), a member of the committee.

(Mr. GARY G. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Chairman, I rise today in support of H.R. 2864, the Water Resources Development Act of 2005. This important legislation is long overdue in addressing the needs of our Nation's water resources infrastructure. I commend the gentleman from Alaska (Chairman YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) for their hard work and dedication in drafting a water infrastructure policy that sets our Nation on the course to an economically and environmentally sustainable future.

The dependability of our Nation's water infrastructure could not be more vital to the health, safety, and overall quality of life of every American. As a

Representative from Southern California, where we face significant water supply challenges, a safe and reliable water supply infrastructure system is particularly important to me.

The work to implement needed flood control measures is critical to preventing loss of life and property to our Nation's communities. This bill is critical to accommodating the many more flood control projects awaiting authorization. In addition, this bill streamlines the feasibility study process and enforces policies that are based on sound science.

The enactment of this bill is of critical importance to the Nation's environmental and economic well-being. For every \$1 billion spent on water resources development activities, approximately 40,000 jobs are created. In addition, an estimated \$706 billion in damages has been prevented through flood reduction projects, representing a 6-to-1 return on investment.

Congress must commit to infrastructure investments now to leave behind a legacy of economic security and opportunity for future generations.

This bill provides a Federal commitment to such infrastructure investments, leaving behind a legacy of safe and reliable water infrastructure systems.

I urge my colleagues to vote for this important bill to ensure our Nation has an economically and environmentally sound water resources infrastructure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her leadership and the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Alaska (Mr. YOUNG), and the gentleman from Minnesota (Mr. OBERSTAR). I also want to thank the staff on both sides, but the staff on our side has kept us well informed of the progress of the bill, worked with us on the projects that we needed; and I greatly appreciate the work that they have all done on this.

I support the underlying bill. I am looking forward to the manager's amendment from the gentleman from Alaska (Mr. YOUNG). Many of us throughout the Nation have projects in here. I just want to stress a couple that are important to my own constituents in Imperial and San Diego counties in California.

The New River in my district starts in Mexico, flows into the Salton Sea, one of the biggest bodies of water in the United States which I share with the gentlewoman from California (Mrs. BONO). This river, the New River, has been described as the world's most polluted river. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste, and garbage, up to 50 million gallons a day, are constantly released into the New River.

It violates every water quality standard we have. Plants and animals can-

not survive in the New River, and it threatens the health and safety of the residents of my district. It also runs through the Imperial County farmlands that supply many of our Nation's winter crops. By supplying the funds to treat and clean up this river in this bill, we are assuring the health and well-being of the food that we feed to the children of our Nation.

The New River also runs through the city of Brawley, California, which has its own water quality problems. The city's proximity to the United States-Mexico border makes both their air and water vulnerable to pollution that comes up from Mexico. This legislation will provide funds to the Brawley area to improve the conditions in their water.

Finally, WRDA provides the appropriate funding level to San Diego County for the removal of non-native exotic species from the drinking water in the Sweetwater Reservoir. My constituents, like everyone throughout the country, deserve clean water. This legislation provides them with the resources to make this a reality.

As our speakers have said, this is a bipartisan, well-written bill which will not only help in creating jobs across the Nation, but will help provide safe and clean water for our future. So please join me in supporting this bill and the manager's amendment. We are truly voting to ensure America's future.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MACK), an outstanding member of our committee.

Mr. MACK. Mr. Chairman, I rise today to express my strong support for the Water Resources Development Act of 2005, also known as WRDA. This important legislation affirms our continuing commitment to our Nation's water resources infrastructure and will help protect and preserve our Nation's freedom, security, and prosperity.

Today's WRDA bill includes several projects that are significant for southwest Florida. Before I highlight one of those projects, I would like to thank our colleague and my subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), for his partnership and leadership in his efforts to produce a WRDA bill that addresses the needs of our Nation. I also want to thank the subcommittee staff for all of their hard work in getting this critical legislation to the floor.

Mr. Chairman, the Water Resources Development Act is important legislation that sets forth a comprehensive national water resources policy, together with authorization of civil works projects that are investments in America. It will improve our transportation infrastructure, bolster our environment, and enhance our quality of life.

This legislation is vitally important to Florida. In particular, this bill will support restoration of the Everglades, one of our Nation's most precious ecosystems. South Florida, which includes

my district, is home to millions of Americans, several of the fastest-growing cities in the country, and a huge tourism industry, and also contains one of the most unique environmental resources in the country.

Over the past century, manmade changes to the region's water flow have provided important economic benefits to the region, but have also had devastating effects on the environment. The Federal Government and the State of Florida have begun a long-term partnership to restore the ecosystem and preserve it for future generations.

Make no mistake: environmental restoration projects like these improve water quality and habitats, benefit our people and wildlife. The actions we are considering today will support this continued partnership.

Mr. Chairman, the Water Resources Development Act of 2005 is good for my district in southwest Florida, it is good for the State of Florida, and it is good for the Nation. I encourage my colleagues to vote for this critical legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I will submit my statement for the RECORD in support of this legislation and in support of the Halls Bayou Federal Flood Control Project in Houston, Texas.

Mr. Chairman, I want to congratulate the Subcommittee on Water Resources and the full Transportation and Infrastructure Committee for reporting out the Water Resources Development Act, WRDA, of 2005. I appreciate your inclusion of our language for the Halls Bayou Federal Flood Control Project in Houston, Texas.

Historic flooding along Halls Bayou has been severe and frequent in some neighborhoods. During Tropical Storm Allison in June 2001, Halls Bayou was hit very hard, with more than 8,000 homes flooding within the watershed. No project can keep all homes from flooding, but a project can help reduce the risk of flooding for a significant number of families, reducing the need for Federal assistance, property damage, and loss of life.

The purpose of section 5128 of this legislation which pertains to Halls Bayou is to allow the Harris County Flood Control District, HCFCD, to conduct the GRR and any subsequent Federal interest project on Halls Bayou. The Corps is limited in its staff, resources, and time with the many projects in the Galveston District and the Southwest Division. Local project sponsors with the necessary expertise, like Harris County, can provide efficiency by becoming more involved.

Halls Bayou, a major tributary of Greens Bayou, was authorized in WRDA 1990 as part of the Buffalo Bayou and Tributaries Project. The original Halls Bayou authorization assumed the Greens Bayou project in place, which is now finishing a General Reevaluation Review, GRR. Results indicate that the work

on Greens Bayou downstream of Halls Bayou will not have Federal work although it will have significant local projects. Therefore, a GRR is now needed for Halls Bayou as well.

While conducting the GRR to find a possible Federal interest, Harris County can begin project implementation in order to reduce future flood damage as soon as possible. Adding Halls Bayou to section 211(f) allows Harris County to be reimbursed if the project is later approved by the Secretary. I thank the Subcommittee and full Committee for their work on this issue.

I support the bill and the balance that it strikes between the need to improve water resources for human purposes and to preserve our water uses for the environment and future generations.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this legislation.

Mr. Chairman, this Water Resources Development Act is an important start to change the way that we do business. I salute the hard work from our chairman, the gentleman from Alaska (Mr. YOUNG); the gentleman from Minnesota (Ranking Member OBERSTAR); the gentlewoman from Texas (Ranking Member EDDIE BERNICE JOHNSON); and a special note of thanks to the vision and hard work of my friend, the gentleman from Tennessee (Mr. DUNCAN), to move forward with ways that we ought to be dealing with water resources.

Usually, in the past, Congress has produced just a collection of projects and, too often in the past, things that make the Corps of Engineers' job harder: Too little money to deal with a huge backlog that contains the good, the bad, the ugly, and the obsolete. We make the job of the Corps of Engineers even harder, since they are operating under outdated principles and guidelines that have not been updated since 1983. You would not go to a heart surgeon or a brain surgeon under that circumstance. The Corps of Engineers is facing an almost \$60 billion backlog, and only \$2 billion a year of construction money for these critical projects, and this makes it intensely political.

Well, this brings me to the dinosaur of the navigation projects that is in this bill which has been referenced by my good friend, the gentleman from Illinois (Mr. COSTELLO). The Upper Mississippi Lock Project is going to be the most expensive navigation project in history. Where I must take modest exception to my friend, the gentleman from Illinois, we are not walking away. We have not walked away. He would not let us walk away from the problems of Mississippi navigation.

In fact, I think we have an \$88 million renovation project that is occurring right now immediately adjacent to where there is going to be a massive new lock built. We have invested appropriately almost \$1 billion, almost \$1 billion in the last 25 years. So, any hint

that we have walked away or that we do not care about the Mississippi system is wrong. Congress has proven that it does care, and it has invested. Have we invested everything that one would want in all of these locks? Look at your district and see if Congress has ever invested everything that you want and need. But given a \$60 billion backlog, we have done a pretty good job dealing with this channel.

Now, I deeply, deeply respect the work the gentleman from Illinois (Mr. COSTELLO) has done in the past. I do not know who is opposing this project on environmental grounds. Those words have not come from my mouth. I appreciate the hard work that the gentleman did earlier, I think that this is very important environmental restoration work, and it is work that is long overdue. We have treated the Mississippi River as a machine for well over a century; and the wildlife, the people who depend on it for recreation, for the environmental health, they need these environmental investments, they deserve it, and I hope it happens. But I think what we need to be focusing on is how we are going to deal with this massive project.

Now, I am not here today to say that it should be eliminated. I again take modest exception to the notion that you must pick studies, dueling studies. The independent studies from the National Academy of Science time and time and time again have documented that the economic justification is not there. In fact, we had the Inspector General find that the corps, under intense political pressure, cooked the books, two generals and a colonel lost their job. It was a scandal, and a whistleblower had to get protection because he was going to be fired for just telling the truth.

Well, what we have offered as an amendment is a safety valve that if the experts, the independent experts are wrong and barge traffic is going to go up, not decline, then the project goes ahead, because the corps cannot build this project for another 4 or 5 years anyway. It goes ahead, and we continue spending lots of money renovating the existing locks. But our amendment is a safety valve and a reality check.

Now, I think this bill is a good start. I hope our amendment is approved, because there is an effort here to accelerate the good work that the committee, past and present, has done. We are going to strongly urge that we make the transition to make sure that given the troubled history of this project, given the fact that it will impact every district across the country competing for scarce resources, we ought to have this safety valve and reality check.

I strongly urge approval of the bill and approval of the Flake-Blumenauer amendment at the appropriate time.

Mr. Chairman, I appreciate the opportunity to share my admiration for the good work of the subcommittee. I have enjoyed my service, and I look

forward to working as it moves forward through the legislative process.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a strong proponent of the Everglades portion of this legislation.

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for all of their work in helping us improve the quality of life in Florida.

This provision in this bill is critically needed for the State of Florida and for our national treasure, the Everglades. It is being polluted. It is being destroyed. And much like a patient, it is waiting for emergency surgery. This bill finally allocates, after many years of attempts, to fund the necessary reconstruction and replumbing of Florida's Everglades, specifically, the Indian River Lagoon, which is a project of massive proportion that is important to the restoration of the Everglades and cleaning up our tributaries, our lagoons, and our estuaries.

□ 1215

I want to thank our local and State and Federal parties who have worked tirelessly to ensure this plan would be included in the bill. My constituents in Martin County have come on repeated occasions to our Nation's Capital at their own expense, to plead for funding for this important Indian River Lagoon Project. They have organized rallies. They have written letters. And they have passed on themselves a half-penny sales tax to show their commitment is not only through deeds but through fiscal actions.

So they have taken it upon themselves to assist in raising the necessary moneys to complete this project. I want to thank the U.S. Army Corps of Engineers, the Jacksonville District, who worked tirelessly with our State partner, the South Florida Water Management District, Governor Bush and the cabinet have worked and have weighed in on this issue, and I have to thank the White House as well for paving the way to make this very, very important financial commitment to the restoration of America's treasured Everglades.

The committee has listened to me many, many years pleading for this project to be included. I thank them for listening. Time now is for action, for not only the House to pass WRDA, to include the Indian River Lagoon, but for the Senate to act accordingly and bring this to fruition. I thank all parties involved, and I hope we have a very strong vote in support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding me the time. I thank her for her very hard and thoughtful work on this bill.

I thank the gentleman from Tennessee, (Chairman DUNCAN) as well. I appreciated the hearings you had trying to press us really to new plateaus on water projects. I am grateful for the inclusion in the manager's amendment of an amendment that would require the Secretary to coordinate with the governor, the mayors, for a 10-year plan for restoration of the Anacostia River which flows within sight of the Congress. In many ways, it is the Congressional River, not only because it is so near, but because if you will forgive me, when Congressional toilets flush on a rainy day, the waste from the Anacostia, the waste goes into the Anacostia River and finds its way all of the way down to the Chesapeake Bay, one of the great wonders of the United States.

This is about more than beauty, however; it is about health and the ecologically integrity of the waterways of this entire region. The Federal Government is a major offender. One-third of the sewer system here serves the Federal presence. The Federal Government is a rate payer; it would not be a rate payer, of course, if it was not strongly and significantly involved. The Federal Government built the sewer system here 100 years ago. The Corps of Engineers still runs it.

But the Federal Government is not a major contributor to the billion dollar combined sewer overflow problem, much of it of its own Federal making.

There are many projects in this bill. We do have \$55 million in this bill, for which I am very grateful, but historically, if you look over the last 20 years, there have been projects, large amounts of money to jurisdictions and projects which have absolutely no relationship to the Federal sector.

Here we have the Federal sector deeply involved, a billion-dollar problem, and we have yet to really get to the bottom of it.

I want to particularly thank you for the way in which the Chairman and the ranking member have understood this problem, and for the ways they have made us understand that part of the problem is a larger one, our approach to water rehabilitation, which is starkly different from the way we understand we have to rehabilitate roads. We cannot see what is happening in our water structures. We can see what is happening on our roads. It is time we saw what is happening to our health when we do not deal with our waterways in the same way.

Mr. DUNCAN. Mr. Chairman I yield 1 minute at this time to the gentlewoman from Missouri (Mrs. EMERSON.)

Mrs. EMERSON. Mr. Chairman, you will hear today and you have heard today that modernizing our locks and dams on the Mississippi River is a financial boondoggle. Nothing could be farther from the truth.

And economically, waterway transportation is the most efficient mode of transporting commercial freight. Our fleet today carries 800 tons of raw ma-

terials and finished goods each year, and it adds \$5 billion to the United States' economy.

A typical inland barge holds a capacity of 15 tons greater than one rail car, and 60 times greater than one semi-trailer truck. Waterway transportation is also the most environmentally friendly mode of commercial transportation.

I would like to remind my colleagues from Oregon and Arizona that modernization of the Ohio River navigation system has been ongoing for more than 40 years, and updated to current value, investments to restore that navigation system would far surpass the cost of improvements on the Upper Mississippi and Illinois waterways.

You know, we ship millions of tons of agricultural commodities—oil, gas, chemicals, fertilizers, hazardous materials—up and down the Mississippi River because it is safer, and it is less costly. For this reason, we must continue the modernization process and defeat Flake-Blumenauer when it comes up later today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ.)

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise today in support of the Water Resources Development Act. I want to acknowledge the wonderful work, important work of the chairman and ranking member for their efforts and the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership in bringing this much needed bill to the floor today.

It has been 5 years since Congress has passed a water resources bill, legislation that is significant in recognizing the Federal Government's commitment to improving the navigational safety of our waterways and upgrading our local water infrastructure.

My colleagues, we cannot take the safety and security of our water for granted. Many of the sewer and drinking water pipes in our Nation today were installed 50 to 100 years ago. Those pipes are showing their age, leaking, cracking, breaking. By passing this legislation, we reaffirm Congress's commitment to providing clean and safe water in communities across the Nation.

The bill also contains an important provision that compliments the—recently passed in the House—bill, called the Delaware River Protection Act, legislation crafted by the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE) and myself, to respond to the November 2004 oil spill that occurred alongside our districts in the Port of Philadelphia.

The oil spill struck at the heart of our region, dumping 265,000 gallons of oil in the Delaware River. Its effect was devastating, temporarily shutting

down a nuclear power plant, impeding trade, injuring, killing wildlife and putting the area's drinking water at risk.

The Delaware River Protection Act will bolster our ability to better provide for the environmental integrity and economic vitality of the Delaware River and the greater Philadelphia area.

Additionally, today's legislation gives the Army Corps of Engineers the authority to remove debris from the riverbed of the Delaware River, an authority we need to keep the river safe for navigation and to prevent a similar incident in the future.

Mr. Chairman, I urge my colleagues to vote yes on this bill. It is time to let our local and State officials know that we will continue working with them to maintain our water infrastructure, something that is so important to protecting Americans' health.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON) for the purpose of making a brief statement and entering into a colloquy.

Mr. UPTON. Mr. Chairman, I want to thank the committee on both sides of the aisle, particularly all of the parties. I just want to explain, when I was in Michigan this last week, over the July 4th recess, I met with my Corps of Engineers as it related to the harbor in St. Joe and Benton Harbor.

They asked that we take steps necessary to lower the depth of the harbor from 21 feet to 23 feet, which would be consistent with the other harbors along Lake Michigan, Holland, as well as Muskegon and Traverse City.

I realize that it is too late now, as the rule has been pending, to offer that as an amendment. And I would just like to receive an assurance from both sides that we will work together in conference to include the appropriate language, so that, at the end of the day, in fact, that we will be able to see this harbor dredged, obviously with the correct appropriation from the proper subcommittee.

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

Mr. UPTON. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I thank the gentleman for yielding. It is my understanding that this is a very fine project that the gentleman has endorsed and is strongly proposing here, and we will be glad to work with the gentleman in every way to assure that this ends up in the legislation.

Mr. UPTON. Thank you.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to say that I agree to work with this change in conference.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR.)

Mr. SALAZAR. Mr. Chairman, I would like to thank the gentlewoman from Texas for yielding me this time to speak on this important bill.

I rise today to express my strong support for the Water Resource Development Act of 2005. As a new Member of Congress, I am also proud to be on a part of the committee that works in such a bipartisan way. I would like to recognize the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) the ranking member as well as the gentleman from Tennessee (Chairman DUNCAN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their strong leadership.

Today, each Member will have an opportunity to vote for a bill that is about investing in America. It is about investing in our infrastructure. And to me, it is about addressing rural Colorado's water resources needs.

WRDA will authorize new projects for the Corps of Engineers, including certain environmental restoration projects in our rivers and our lakes. I am pleased that WRDA contains two projects that are critical to water resources in my district out in Colorado.

The first project is out in the eastern part of my district and provides for water transmission infrastructure in Pueblo and Otero Counties for safe drinking water.

The second will help the water and wastewater related infrastructure for the Ute Mountain Ute Tribe in southeastern Colorado. Like many areas, the needs of the Third Congressional District and the county resources are stretched thin. But assistance from the Army Corps will go far.

I thank the leadership for the support of these projects. Water is the lifeblood of rural Colorado. After 5 years of delay, Congress should move quickly and put WRDA on the President's desk for signature. I urge my colleagues to vote yes for WRDA.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague, the gentleman from Tennessee (Mr. DUNCAN), the chairman. I thank him for the work that he has done on this bill, and managing this bill on the floor today.

Later on today, there will be an amendment coming forward that is being sponsored by my colleague, the gentleman from Michigan (Mr. STUPAK) any myself.

And what this amendment will do is it will ensure that the Corps of Engineers uses the criteria that it used in 2004 for the projects in the harbors that will be dredged under this bill. It is important to my district.

I represent a district with over 200 miles of Lake Michigan shoreline, and a number of different harbors, and the Corps of Engineers had proposed a criteria that would have meant that a number of my harbors would no longer have qualified for dredging.

Well, when you are along the shores of Lake Michigan, you begin to realize that, for many of these communities,

both from an economic development, both recreational and commercial, the harbor is the lifeblood to these communities.

When this amendment is brought forward, and it is going to be supported by the gentleman managing the bill, I thank him for his support. As that amendment becomes part of the bill, it will ensure that the harbors, these kinds of harbors will get the dredging that is necessary to keep them open.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, I rise today to express my support for H.R. 2864, particularly the provisions authorizing the projects in the Upper Mississippi River Basin.

As many of our colleagues know, the Corps began studying the locking needs on the river nearly 12 years ago. Those locks were designed a long time ago. They need to be modernized and improved sooner rather than later.

Farmers in Brazil, China and other competing countries have had the advantage of government investment in infrastructure to ship their goods. We must invest in expanding our locks so that our farmers can compete.

Additionally the bill addresses the ecosystem's needs for the areas of the river. The Corps projects will help restore the wildlife along the Mississippi. These resources put to improving the ecosystem are a necessary compliment to lock improvement.

Mr. Chairman, I urge my colleagues to support this improvement and support H.R. 2864.

□ 1230

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD), a former member of the committee.

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

Mr. LAHOOD. Mr. Chairman, I thank the chairman very much for his leadership and certainly on the minority side, I thank them for their leadership over there to all the staff.

Mr. Chairman, I rise in support of this bill and certainly against the Flake amendment. But the important part of this bill, I think, for the country is we are going to fix the potholes in the river. That is what I call the locks and dams. They have not been touched for over 50 years. They need to be replaced. They need to be repaired. These are the pot holes; and if we have potholes in our roads, we fix them up. The potholes on the rivers are the locks and dams.

This bill provides the authorization that will allow the Committee on Appropriations to come up with the money to implement the plan that has been long overdue and long coming with the Corps of Engineers' \$3.2 billion over 15 years that will help those who use the Illinois and Mississippi Rivers

to continue to have it be the navigable waterway that is so important for the transportation of the food and fiber that is used and produced all along those two waterways.

I encourage all to support the bill and to vote against the Flake amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for yielding me time, and I appreciate the great job that she and the gentleman from Tennessee (Mr. DUNCAN) have done with this bill along with the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

I rise in support of this bill and the good work it does with the environment and with environmental restoration, but I must speak against the Flake-Blumenauer amendment. I know that these gentlemen have good intentions and good will in their hearts, but I have to tell you that I think they are terribly misguided.

It is interesting to me that we have two folks opposed to something on the Mississippi River that live a thousand miles from there and live in States where they do not have any water. There are rivers in their States that are empty. They are just nothing but a hole in the ground. Those of us in the Mississippi River Valley understand what a critical, essential thing it is to our economy to have a navigable Mississippi River, and that is what we are talking about here is maintaining and improving the ability to have a super-highway into the international marketplace at a time when we are moving into a world economy for that part of the central United States.

It would be absolutely insane not to complete the restoration of the navigation capacity of the upper Mississippi River, and that is why you should oppose the Flake-Blumenauer amendment.

This is a good thing. It would make just as much sense for me to offer an amendment to do away with the maintenance on the interstate highways in the States of Arizona and Oregon. I would not do that. What we need to do is to expedite the repair and maintenance and restoration of the capacity to navigate the upper Mississippi River and the entire navigation system of this country. It is absolutely essential to our economic growth and our economic well-being in today's worldwide economy.

Mr. DUNCAN. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me

time. I rise to speak in favor of this long overdue Water Resources Development Act and to applaud the chairman and ranking member for bringing it to the floor, but specifically to speak strongly in opposition to the amendment offered by my colleagues, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER).

I grew up in the shadow of the levees along the Mississippi River that protect the fertile farm land in southeast Missouri and delivered grain from our family's farm to barge terminals; and those extra cents per bushel have helped keep food on our table and keep that family farm within our family.

I am presently privileged to represent Missouri's ninth district which includes about 120 miles of the Mississippi, four of the locks in question, several important environmental projects, including mitigation and habitat restoration. Let me echo what the gentleman who just spoke, my friend from Arkansas, said, that it is a little bit frustrating for those of us who know and understand and appreciate the character and the many facets of the Mississippi River to deal with an amendment that has been offered by those whose personal knowledge of locks and dams is a seat on a plane 30,000 feet above these very structures which maintain the navigable waterway of the Mississippi River.

When the gentleman from Oregon (Mr. BLUMENAUER) was a signatory to a letter to the gentleman from Ohio (Chairman HOBSON) back in March of 2004 urging a line item appropriation to dredge the Columbia River channel from 40 to 43 feet, I did not object because the gentleman should know his own district and how it affects his infrastructure in his area.

Let me just address some of the concerns that have been raised by the gentleman from Oregon (Mr. BLUMENAUER). First of all, I have been hearing that this amendment by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER) is a compromise.

The underlying bill is a compromise. There are 29 locks and dams on the upper Mississippi River. We are talking about modernizing five of those locks on the upper Mississippi along with two on the Illinois River.

We have heard the discussion about this being a costly boondoggle, that the cost-benefit analysis does not justify modernization of locks and dams. Here are some facts. First of all, I did not hear from the gentleman offering the amendment that we should have a cost-benefit analysis for the environmental restoration portion of the bill. Secondly, as the chairman pointed out in his opening remarks, \$900 million, half of the cost of modernizing the locks and dams, is already being borne by the barge owners and operators with this 20-cent-per-fuel excise tax that is now going into the Inland Waterway Trust Fund.

What is interesting, Mr. Chairman, is the fact that 40 percent of the funds in that trust fund have been placed there by the upper Mississippi barge owners and operators, and yet only about 15 percent of the trust fund is used on projects that help those operators on the upper Mississippi.

It is not the first time those of us in the Midwest helped subsidize infrastructure across the country. Highway 89 that cuts through the gentleman from Arizona's (Mr. FLAKE) district, those of us in the Midwest helped subsidize the maintenance of that highway.

Just as the light rail project the gentleman from Oregon (Mr. BLUMENAUER) has pushed for, about 48 cents out of a dollar is borne by the passengers of the light rail system. We pick up the rest of the cost. I think that is appropriate just as the users of the upper Mississippi are paying for half the cost.

Let me say on the issue of traffic decreasing, because the gentleman talked about the \$900 million that has been invested in modernization already. Even with those investments, these 1930s facilities, we are losing 10 percent a year and have for the last 10 years, 10 percent reliability. And so the fact is if a project is broken, it is time to fix it. You do not wait to see if it gets better.

Traffic has been increasing on the inland waterway system everywhere except in the upper Mississippi because of the declining condition of these locks and dams. It is time we modernize them.

I urge a vote for the water bill and a strong vote "no" against the Flake-Blumenauer amendment.

I thank the gentleman for bringing forth a WRDA bill that balances all needs. I also want to thank both Chairman YOUNG and Chairman DUNCAN for honoring my request and including the modernization of seven locks on the Upper Mississippi River and Illinois Waterway in this legislation.

I urge all members to support the modernization of these locks and oppose the Flake-Blumenauer amendment that would ensure that the Mississippi and Illinois Rivers remain gravel roads in a world filled with interstates.

No one would say that our Nation's trucks should transport materials on roads built in the 1930s. But we are forcing the barges on the Mississippi River to use locks built in that far-gone era. Doing so limits our access to export markets and increases the load on our already over-burdened road and rail system.

Today we will hear supporters of this amendment say that river traffic has decreased; this is true but is very misleading. Barge traffic has decreased only in the section of river that contains these woefully outdated and undersized locks. When you look at stretches of the river that are unencumbered by 1930's technology, barge traffic is increasing.

Why? Because this section is plagued by delays and unscheduled maintenance closures, in fact, the capacity of the system is decreasing by 10 percent per year because of these closures. Thus, shippers are forced to stay away from this section of the river and

must use road or rail to transport their crops. Doing so increases transportation costs by at most 30 percent.

When something is broke you don't wait to see if it will get better on its own, you fix it before the problem gets worse. Yet Congressmen FLAKE and BLUMENAUER publicly say they want to wait and see if the situation improves. In reality they are using these costly lock delays and the shippers' regrettable but understandable lack of confidence in 1930's technology to achieve their goal of eliminating this project, saying, "If they come we might build it."

Additionally, the Flake-Blumenauer amendment contains no exceptions for droughts, floods or other factors outside of anyone's control that could impact the amount of cargo transported during their three-year window. Quite frankly, acts of God should not preclude us from helping farmers secure export markets.

Nor should we be forced to justify this project during a very small window of time; we need to look long term. The long-term effects of inaction more than justify the project. If we allow the delays at our outdated locks to continue, farmers will lose \$562 million per year, the Nation would lose more than 20,000 jobs and our trade deficit will increase by \$264 million. Moreover, corn exports will be decreased by 68 million bushels per year, soybean exports by 10 million per year, all before the year 2020.

And every day we delay is a day where more cargo is taken off of the river and put on trucks and rails. These are dangerous options for all Americans, dangerous to the driving public because every tow and barge that is taken off the river is replaced by 870 trucks on our highways, increasing the likelihood of accidents by 5,967 percent. And dangerous for the shipper because every barge is replaced by 225 rail cars that even the rail industry says it does not have, creating a situation where farmers will be able to grow crops and even sell crops but never be able to ship these crops.

If you support trade, providing farmers access to as many markets as possible and oppose adding 4 million semi trucks to our overcrowded roads, come join me and the American Farm Bureau, the Carpenters Union, the Illinois Chamber of Commerce, the National Corn Growers, and the American Soybean Association—to name a few—in our opposition to the Flake-Blumenauer Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Chairman, I appreciate sharing with the committee I used to serve on.

As you know, Mr. Chairman, we just came from talking to Iowa corn growers a few minutes ago, and this is a terribly important thing to Iowa and many States which I will mention as we discuss this very important matter.

Today we have the opportunity to support and extend the vitality of the Nation's economy by supporting the upper Mississippi River locks and dams projects included in this bill.

The upper Mississippi River waterway system is in severe need of update and repair. Until these projects are completed, many of our farmer owners who ship out of Iowa, Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Nebraska, Kansas, and Missouri will continue to experience costly delays and inefficient transportation.

This legislation is crucial to preserving U.S. agricultural competitiveness in markets worldwide.

Last year we saw an emergency closure of Lock & Dam 27 in Granite City, Illinois. The effect of a 2-week closure at a single site can be felt in the pocketbooks of many of my constituents. If we do not act now to repair these locks and dams, we continue to risk shutdown at any number of sites, the effect of which would be disastrous.

Barge traffic on the Mississippi River represents the most efficient, most cost-effective, most environmentally sound means of transporting commodity goods from this region of the country to market. If we move away from the barge traffic, the expense we would have of creating new roads and rail to accommodate this traffic would be daunting. Each year hundreds of millions of tons of commerce move through the upper Mississippi River system; this is equivalent to roughly 67,000 barges. To replace barge traffic with truck and rail traffic would require 1 million rail cars or 4 million trucks. This is the most cost-efficient way to support and maintain the agriculture economy in our Nation.

The 2005 Water Resources Development Act is important in many ways; but at its heart it is about job creation, reducing the burden of transportation costs of American producers, promoting U.S. agriculture exports, and supporting the most environmental friendly mode of transportation.

For the good of our environment, the good of the economy, and the good of the Nation, I strongly urge support of the upper Mississippi locks and dams project.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I rise in support of the Water Resources Development Act.

As Congressman Mo Udall used to say, Everything that has been said has been said. It just has not been said by everybody that needs to say it.

There are a lot of good things in this bill. I am particularly supportive of the sections pertaining to the Mississippi and Illinois rivers.

Enlarging and improving the navigation on these rivers will create jobs, promote economic growth, and also strengthen the environment by providing \$1.6 billion in environmental restoration funding. This is good for the economy and the environment.

If everything we did in this country was like this legislation on other pieces of legislation, other problems that we were trying to tackle in this country, we would be a better place and a better country.

Navigation in the upper Mississippi supports more than 400,000 jobs and 90,000 high-paying manufacturing jobs. Every year, shipping in the upper Mississippi River adds up to about \$1.2 billion to our economy. Lock modernization will provide 48 million man hours of labor for Midwest workers. But just as important, the bill provides \$1.6 billion in Federal funding for environmental restoration which will also be important economically. In fact, under the bill, for every dollar spent on construction, we spend \$2 on environmental restoration.

Mr. Chairman, this is a good bill. It is a balanced approach. It is right for the economy. It is right for the environment, and it is good for the Nation.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN (Mr. LATHAM). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has 4 minutes remaining. The gentleman from Tennessee (Mr. DUNCAN) has 10½ minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak.

I wanted to just clarify something. I really appreciate the interaction that we are having here, but there is an element of confusion.

Some of the talking points that the opposition to our amendment in the upper Mississippi have been distributing contain the notion that we have ignored the upper Mississippi River, that the locks are ignored. They are antiquated. They are crumbling. We have not done anything. One of my colleagues from Illinois said that we had not touched them for 50 years.

Now, it may be in the talking points, but it is not true. Right now there is \$88 million that is being spent on Lock 24 for important reconstruction. And I appreciated the anecdote that my friend from Missouri pointed out in terms of a problem that occurred when there was a visitation recently to the big 1,200-foot lock where there were seven bolts that were sheared off. That story he shared with me is exactly the point.

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We need to spend money to maintain what we have in place right now. We have spent almost \$1 billion. We are not adequately maintaining the current locks. My friends are confusing building elaborate expensive new construction, which may or may not happen in its entirety, with adequate



maintenance for what is there now. This is missing the point. I respectfully suggest that we not in the course of this debate confuse these points.

I take modest exception to the notion that just because we are moving forward with efforts to invest in America's infrastructure and trying to protect what we have, that we are somehow alleging that we have this vast river system that we are ignoring. We have not, we are not, and we will not ignore the river's needs.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, to my friend from Oregon I would personally invite him to come out and view these. Some of these locks, built, again, Mr. Chairman, in the 1930s, are standing just out of habit, with bailing wire and duct tape. And the Corps of Engineers has done a magnificent job.

Here is the reason, which I did not get to address earlier as far as the trigger that is in the gentleman's amendment. The trigger, the tonnage requirement the gentleman has in his amendment, does not take into account, for instance, the weather. A year ago, because of high water, the river was shut down as far as barge navigation. In low-water years, barges can only fill halfway, for instance.

So by putting this trigger mechanism in place, it does not take into account the many variables like weather, like the failure of one of the locks, which I did share with the gentleman, a bad harvest year, fluctuating market prices that may mean farmers choose to store their grain rather than ship their grain.

Again, I certainly acknowledge the intent with which the gentleman is bringing this amendment; but, again, because of the age of these locks and dams, it is time for modernization.

Ms. EDDIE BERNICE JOHNSON of Texas. 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 think everyone here knows that I am one of the most fiscally conservative Members of this Congress, but this is a very fiscally conservative bill. It is not fiscally conservative to let a very important asset to deteriorate, and so I urge passage of this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the chairman for yielding me this time.

I did not plan to come and speak before the amendment was offered, but hearing the debate on the floor now, I am wondering which amendment is being described. Surely it cannot be the one we are offering, because the one we are offering does not scrub the project and does not say it cannot go forward. It simply says it should go forward only if the minimum require-

ments that have been laid out are met in terms of it being economically viable and useful. That is all we are saying. It is a pretty darn low bar.

We are saying, let us take the bottom standard that the corps, the National Academy of Sciences, CRS, and other groups have said is feasible in order to make the project go forward. If it is not, it should not be built. If it is met, it should be built.

I heard some discussion about, well, we would not go to your district and say you should not build that road or should not build that waterway or whatever if it is something you want. Well, if I say I need a road and it is going to carry 1,000 people per day, and over the next 3 years we find out it is only going to carry 800 per day or 500 per day, I hope my colleagues vote against it. They ought to. That is why they are here. That is why we are all here in this position.

We have a near-\$400 billion deficit this year; a nearly \$8 trillion debt. If we are not willing to husband our resources better than that, what hope do we have of getting ahold over this debt and deficit?

Our amendment, again to be clear, does not say this project should not go forward. It simply says it ought to meet the requirements that have been laid out by those who are advocating the project itself. So this amendment that has been spoken of, I can assure all of my colleagues, it is not being offered. The amendment that is being offered, the Flake-Blumenauer amendment, says that the requirements simply need to be met. It needs to be economically viable and feasible.

Mr. Chairman, we need to protect taxpayer resources and make sure that they are spent prudently. That is what this amendment is all about; and I would urge my colleagues, when it comes time, to vote for the Flake-Blumenauer amendment.

Mr. BOUSTANY. Mr. Chairman, I rise today in strong support of the Water Resources Development Act.

I'd first like to thank Chairmen YOUNG and DUNCAN, Ranking Members OBERSTAR and JOHNSON, and the committee staff. They have worked tirelessly on this bill. I appreciate all they have done to be responsive to member requests, and to work across the aisle to reach bipartisan agreement on many contentious issues.

This bill is important for me for both its regional and national significance.

In Louisiana, we will see a very direct impact from this legislation. Louisiana is losing its coastline from erosion at the staggering rate of a 15,000 acres per year. USGS estimates that the state has already lost about 1.22 million acres of coastal wetland in the past 70 years, which is roughly equivalent to the area of Delaware.

As "America's Wetlands", the coast of Louisiana provides much of the seafood and shellfish, oil and natural gas, and agricultural commodities enjoyed by the rest of the country. In fact, more than 80 percent of the country's offshore oil and gas is produced off our coast, and 25 percent of the foreign and domestic oil

used in this country comes ashore through our ports. It is estimated that more than 25 percent of the seafood consumed in the country comes through Louisiana, and that more than 75 percent of the marine species in the northern Gulf of Mexico spend a portion of their lifecycles in the wetlands of Louisiana. The land also serves as a buffer against ocean storms and protects industries and cities located further inland. Without the shelter provided by our wetlands, the damage done by a major hurricane could be catastrophic in terms of dollars and life. The loss of our coast is more than Louisiana's problem; it's America's problem. I appreciate the committee's recognition of this problem, and strongly support provisions in this bill that address Coastal Louisiana.

This bill is good for more than just Louisiana, though; it is good for the nation. H.R. 2864 contains important reform provisions that will improve the way the Corps does business. It streamlines the approval process for projects; it encourages the Corps of Engineers to carry out projects in partnerships with its local sponsors; and it streamlines the process for entering into agreements with local sponsors. In the end, these reform provisions will save taxpayers money and speed up the completion time for projects.

H.R. 2864 also benefits American consumers by improving on the nation's greatly outdated water infrastructure. Shipping via waterway is the single most cost-effective way to get goods to market, and improving our waterways will make American exports more competitive and our imports more affordable.

Mr. Chairman, I strongly support this legislation and urge my colleagues to do the same.

Mr. EVANS. Mr. Chairman, I rise today to express my support for H.R. 2864, particularly the provisions authorizing the projects in the Upper Mississippi River basin.

As many of my colleagues know, the Corps began studying the locking needs on the Mississippi River nearly 12 years ago. These locks were built in the 1930s, and were never expected to carry the workload that they have as long as they have. Today, over 100 million tons of materials are carried along the Mississippi and Illinois waterways.

Because of their age and their use, the locks are deteriorating and breaking down. The Corps has done its best to maintain these locks, but their efforts are compromised due to lack of funding. We have locks using temporary gates, crumbling concrete, and a host of other concerns through out the lock system. This leads to costly delays and increased costs to everyone.

Additionally, the process of double locking, made necessary by the smaller lock chambers, doubles the workload and the chance for serious accidents at all of these locks. The added costs and the added risks could easily be overcome by building 1,200-foot locks.

The locks on the Mississippi and Illinois rivers are vital to the regions economy creating a cheaper method to ship goods to ports and then overseas. However, these locks are facing many potential problems and are getting older every day. They need to be modernized and improved sooner rather than later.

While some people have expressed concerns about the need to expand the locks, the people whose livelihood is dependant on them know the necessity of this project. Farmers in Brazil, China, and other competing nations

have had the advantage of government investment in the infrastructure used to ship their goods. We must invest in expanding our locks so that our farmers can compete in the global market.

Additionally, this bill also addresses the environmental needs of the Upper Mississippi River. Water systems are transportation routes for ships, homes for wildlife, and recreation areas for communities. By improving the environment of the Mississippi River Basin, we are investing in all three of these uses.

The Corps projects will help restore the wildlife along the Mississippi and help with water management. By restoring wildlife habitat, we will bring back nesting grounds for the bald eagle. By restoring natural features to the river, we will help mitigate some of the flooding that can devastate the surrounding area. By restoring fish passages, we are bringing opportunities for families to come together to play and fish along the river. it

The resources put in to improving the ecosystem are a necessary compliment to the lock improvements. The Corps efforts to improve the ecosystem surrounding the locks and dams will help mitigate the effects that we have on the Mississippi and Illinois Rivers. We have a responsibility to take advantage of the opportunity to provide the resources for these projects. I am pleased to see that the Committee took that opportunity.

There are many other vital programs that are in this legislation. For example, the aquatic ecosystem restoration project at Emiquon in Fulton County, Illinois will provide researchers and the public an opportunity to learn about how wetlands work to protect and preserve the surrounding areas, on land and in the river. The inclusion of the authorization to complete the Upper Mississippi River Comprehensive Plan will allow the Corps to finish this vital study that will help communities along the river to protect themselves from disastrous flooding. There are many other such projects that will help us examine what we can do to improve our water resources and implement what we know.

I urge my colleagues to support the vital Mississippi River lock improvements and support the underlying legislation.

Mr. CUMMINGS. Mr. Chairman, I rise today to congratulate Chairman JOHN DUNCAN and Ranking Member EDDIE BERNICE JOHNSON—and of course Chairman YOUNG and Ranking Member OBERSTAR—for bringing the Water Resources Development Act, H.R. 2864, to the floor.

Congress has not enacted a new WRDA since 2000—and I applaud the leaders of the Transportation and Infrastructure Committee for bringing a bill to the floor of the House before this year's August recess.

The WRDA Act guides the Army Corps of Engineers' management of our Nation's waterways and water resources by authorizing projects that in many cases have literally reshaped the rivers and waterways of our Nation. For example, past WRDA bills have authorized the massive restoration of the Florida Everglades—and this WRDA bill authorizes significant changes to the Upper Mississippi-Illinois Waterway and as well as projects to restore coastal wetlands in Louisiana.

When we as a Nation assume this kind of control over our environment—particularly over elements as powerful as our rivers and coastal plains—I believe it is imperative that policies

and procedures be in place that will ensure that the projects undertaken by the Corps will achieve clear objectives. It is also essential that the potential impact of such projects on our natural resources be fully studied and understood.

We are the stewards of our planet's riches—and we must remember that we will bequeath them to generations yet unborn. I encourage Congress to continue to move thoughtfully as this bill is refined and deliberated through the conference process, which I hope will begin sooner rather than later.

In closing, I want to thank the committee for authorizing a study in the 2005 WRDA that will enable us to undertake the kind of informed interventions that are necessary to preserve the health of the Patapsco River, which is a critical natural resource in my district in Baltimore and indeed in the State of Maryland.

WRDA instructs the Corps to assess the impact of debris accumulating in the Patapsco River basin on wetlands, water quality, and public health. Using the results of this study, the Corps can assess the impact of this debris on wetlands, water quality, and public health, and can then develop strategies to help clean up Baltimore's Inner Harbor.

I am hopeful that this project will be a component of a larger initiative planned to restore the water quality and habitat of the Patapsco River Basin—and I thank the Committee for their continued support.

Mr. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the manager's amendment to the overall measure as introduced by the gentleman from Florida because it authorizes additional projects and calls for a series of additional studies. In addition to authorizing \$349 million, with an estimated Federal cost of \$174 million, for environmental restoration on Pica-yune Strand, FL; \$193 million, with an estimated federal cost of \$123 million, for navigation at Port of Iberia, LA.; \$99 million, with an estimated Federal cost of \$64 million, for hurricane and storm-damage reduction in New Jersey; and other allocations for many critical projects across the country, it seeks to bring improvement projects to my district of Houston, Texas.

I applaud the Chairman for the inclusion of section 4104 that calls for a "study to determine the feasibility of carrying out a project for flood damage reduction" in Harris County. Tropical Storm Allison destroyed expansive areas of my district in June 2001. More than 1,400 homes in the Bellaire section received serious flood damage. About 90 percent of Bellaire is in the Brays Bayou flood plain, according to new maps drawn by the Harris County Flood Control District after that storm, and I did submit requests in the fiscal year 2006 Energy and Water Development Appropriations Act for \$12,500,000 to be used to fund for ongoing contracts and to initiate additional construction contracts to mitigate some of this residual damage.

In addition, it is pleasing that this legislation contains a provision, section 5123, that will extend funding from the Federal Emergency Management Agency, FEMA, hazard mitigation grant program to "the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986." Upper White Oak Bayou, almost in its entirety, serves the northwest corridor of the 18th Congressional District and communities such as

the Heights, Lazybrook-Timbergrove, Oak Forest, Garden Oaks, and many others.

Mr. Chairman, I hope that as negotiations begin with the other body that these important projects are retained for their tremendous value to the communities that have been affected by flood damage.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of H.R. 2863, The Water Resources and Development Act of 2005, WRDA 05. I commend the chairman for including in this bill provisions I requested that are important to Port Canaveral and my constituents in Brevard County, Florida.

This bill includes several provisions that are important to the residents of Brevard County as a whole and those living in what has been referred to as the "Mid-Reach" or "wormrock" area in particular.

First, the bill makes it clear that the Corps of Engineers is to accept the ICE report that was completed by an independent panel assessing the true impact of Canaveral inlet on the beach south of that inlet. The ICE report concluded that considerably larger share of the costs of the Brevard County Storm Damage Protection Project should have been borne by the federal government. The provision in WRDA 05 will ensure that Brevard County, Florida is able to recover, as a part of future renourishment activities, that portion of the costs of the original renourishment project that should have been borne by the Federal government.

Second, the bill corrects an error that has been promulgated through several Corps documents since the mid-1990s and in WRDA 2000 that incorrectly calculated the length of the "MidReach" section of the Brevard County Storm Damage Protection Project as 7.1 miles rather than 7.6 miles. This encompasses the shoreline from the north end of the "South Reach" of the Brevard Beach project to the south end of Patrick Air Force Base. The correct length of this section of beach is 7.6 miles and it is important that references to this section of beach be corrected in law.

Third, H.R. 2864 directs the Corps to expedite the General Reevaluation Report, GRR, for the Mid-Reach section of the Brevard shoreline. This section of beach will be included as a part of the original project and mitigation and storm damage protection efforts can be undertaken.

Finally, H.R. 2864 includes an important provision to ensure that a sediment trap can be constructed as a part of regular operation and maintenance at Port Canaveral. This sediment trap south of the approach channel and east of the south jetty will reduce the probability of a repeat of severe shoaling in the event of future hurricanes. It is appropriate to accomplish this work under the operation and maintenance since this measure is being taken to reduce future maintenance dredging of the Federal navigation channel. There will be cost savings if this is accomplished together with regular scheduled maintenance dredging.

The hurricanes that occurred in September 2004 caused severe shoaling in the approach channel to Port Canaveral. This led to the shutting down of the port due to inadequate channel depth. This caused the loss of business and serious problems for cruise ships that had to be diverted to Miami, for oil tankers that could not deliver fuel to the port, and for the power station and cargo ships carrying

lumber and other building materials that were needed for repairs and reconstruction after the hurricanes. This also impacted access to the Navy submarine base and Port Canaveral.

I thank the chairman for including these important provisions in this legislation and I look forward to passage of this legislation in the Senate.

Mr. PASCARELL. Mr. Chairman, let me offer my congratulations to Chairman YOUNG and Ranking Member OBERSTAR, and Subcommittee Chairman DUNCAN and Congresswoman JOHNSON, for shepherding this Water Resources bill to the House floor.

After 5 long years, we know this bill is well overdue.

The bipartisan nature of this WRDA bill, and of the operation of our committee in general, should be a model for the entire Congress. It is a credit to this committee that the work of the Corps translates into a better economy, a cleaner environment, and improved livability for the people of this Nation.

The Corps has a record of accomplishment that has enhanced communities across America.

Every year, billions of tons of commerce move over the navigable waterways the Corps maintains. This creates jobs and assures our leadership in the global economy. We know that maritime transportation will become even more critical in the years to come as we grow and expand our congested intermodal system.

Another key element of the Corps mission is flood control. Death and displacement due to severe flooding has reoccurred throughout our Nation's history. Today, many of our major cities in the United States are protected by Corps of Engineers flood control structures. Flood protection on average prevents \$16 billion in damages each year, saving us \$6 for every \$1 invested.

The Passaic River Flood Basin is located smack in the middle of my Congressional District. People in my district are up in arms about what is too often a matter of life and death. Like along the Acid Brook in Pompton Lakes, New Jersey, it is important that the Corps has adequate authority to address and mitigate flooding issues.

We know that Corps projects are sometimes described as pork barrel spending. Those who downplay the Corps' importance do not see the tangible benefit neighborhood by neighborhood. Members of Congress know their districts, we know what needs to be done, and by voting for this bill, we will reject the "pork barrel" label.

That we have worked out bipartisan compromise on Corps reform, that we have agreed upon what the Corps needs to focus on in the years ahead, and that we are on the floor today is a huge victory for the American people.

I would like to again thank the Committee leadership, especially the always fair-minded Chairman DUNCAN, for their strong and untiring effort to bring this bill to the floor.

Let us urge the other body to complete its work as well, so we might finally renew our water resources program.

Mr. HOLT. Mr. Chairman, I rise to express my concerns with the Water Resource Development Act of 2005.

I would like to begin by thanking the committee for authorizing projects that are important to my district in their bill. Water and infrastructure are important issues to the sprawl-

ing, populated area that I represent. Each of these projects is important to the residents of central New Jersey and will enhance the quality of life in my district.

Although I am pleased that this legislation includes important civil works projects that will better our nation, I am disappointed that this legislation does not include stronger reforms of the Army Corps of Engineers. The U.S. Army Corps of Engineers is charged with an important mission—operating our Nation's water resources and civil works projects. The projects they undertake provide our communities with clean drinking water, electric power production, river transportation, ecosystem restoration, and flood protection. Regrettably, the Army Corps has been plagued by mismanagement that has resulted in significant delays and distress to the communities that are in need of these projects.

Although Congress specifically authorizes projects, the Army Corps has repeatedly ignored these guidelines and set their own priorities. For years, I have personally been frustrated with the Army Corps handling of projects in the 12th Congressional District. The most egregious example of the Army Corps disregard for authorized projects in my district is the environmental restoration of Grover's Mill Pond. Located at the site made famous by Orson Well's "War of the Worlds" radio broadcast, Grover's Mill is not only a historic site, but it is a recreation destination and the pond is a vital link to stream corridors. Years of sediment build-up and runoff from the watershed have caused the pond to become overrun with aquatic weeds and algae.

In fiscal year 2003, Congress specifically designated \$500,000 in funding for this project, but only a fraction of this amount has been spent by the Corps on Grover's Mill pond. This pond in its current condition is not only an eyesore for the community and the residents who live near it, but gives off an unpleasant smell in the summer. Completion of this project is long overdue and is just one example of how the Army Corps fiscal irresponsibility impacts projects across the Nation.

The Army Corps should be a leading environmental organization, but too often environmental protection seems to be a secondary consideration. One large deficiency is their dependence on a planning policy that was created by the Water Resources Council in 1983. More than 20 years later, these policies have seen little revision. In addition, I am concerned with provisions of this bill that would give the Army Corps new authority to limit dramatically the alternatives it will consider during project planning and the National Environmental Policy Act, NEPA, review process. This will undermine NEPA and allow the Army Corps to proceed with projects before evaluating a full range of reasonable alternatives.

The proposed plan for the Upper Mississippi River-Illinois Waterway is another disconcerting provision in the bill. H.R. 2648 would allow the Army Corps to spend \$1.8 billion to improve the water route and ease travel time. The Army Corps claims that this large project is necessary due to its projections that traffic will increase. However, both the National Academy of Sciences and the Congressional Research Service dispute this finding. Investing nearly 10 percent of total Corps spending into a project based on faulty predictions is simply unacceptable. I will support the amendment being offered by Representa-

tive BLUMENAUER and Representative FLAKE that will ensure that this project is economically justified by authorizing it only if the Army Corps meets their lowest projected traffic scenario.

Although I have strong concerns that this bill does not go far enough in reforming the Army Corps, I believe that the projects and programs in this bill are important and need to be reauthorized. Therefore, I will reluctantly vote in favor of this legislation. I hope in the future that Congress will be able to enact reformative measure to address the Army Corps fiscal, environmental, and logistical oversights.

Mr. DREIER. Mr. Chairman, I rise in strong support of the Water Resources Development Act, which authorizes flood protection and environmental restoration projects to be undertaken by the U.S. Army Corps of Engineers in order to reduce flood damage and improve environmental restoration. The House would not be considering this bill were it not for the hard work and leadership of Transportation and Infrastructure Committee Chairman DON YOUNG, and Water Resources and Environment Subcommittee Chairman JOHN DUNCAN.

In our ongoing efforts to manage our water supplies, this bill provides the critical partnership of the U.S. Army Corps of Engineers to assist local water agencies in drought-proofing our region and improving our water infrastructure.

Specifically, the bill authorizes \$20 million for the cities of Arcadia and Sierra Madre, for their Water Environmental Infrastructure Program. This program will improve the water infrastructure that both cities rely upon, which is at risk due to deterioration from age and from the potential impact from a major seismic event in the region.

The bill also authorizes \$13 million for the city of Upland's storm drainage project for the Upland Basin to provide greater flood control retention and groundwater aquifer recharge capacities. This project will provide the opportunity to recharge 1326 acre-feet per year of storm flows that would otherwise be conveyed outside of the Chino Groundwater Basin. Additionally, the project will provide the opportunity to recharge approximately 2300 acre-feet per year of excess imported water supplies or potentially recycled water for future groundwater extraction and use during dry drought periods. Completion of the project will increase water conservation and increase water reliability for local water producers by utilizing the Chino Groundwater Basin for water storage, reducing the dependence on imported water during peak demands or drought periods.

Additionally, the bill authorizes \$5 million for the Raymond Basin Management Board's Southern California Foothill Communities Water Supply Reliability Program. The Raymond Basin Management Board encompasses the cities of La Canada, Sierra Madre, Pasadena, Arcadia and Alhambra, six water companies, three water districts, and three associations, and has brought together the communities along the San Gabriel mountain range and four groundwater basins in meeting the water needs in this region. The authorization will help in their planning, design and construction of groundwater quality and supply projects throughout the San Gabriel Mountain foothill region including the Six Basins, Chino, San Gabriel and Raymond groundwater basins.

With the passage of the Water Resources Development Act, we can work with the Senate to send a good bill to the President for his signature. Again, I thank my colleagues on the Transportation and Infrastructure Committee for their dedication to providing this foundation for sound water management. I also want to applaud the hard work of the local water agencies and local governments that do such terrific work in our communities.

Mr. RAHALL. Mr. Chairman, the House of Representatives today passed the Water Resources Development Act of 2005, a bill that will have positive and lasting effects on communities throughout America, including southern West Virginia. I commend T&I Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN and Ranking Member JOHNSON for moving this important bill.

WRDA, which traditionally follows a biannual schedule, was last enacted in 2000. Therefore, the Corps of Engineers has been forced to continue its work since then without any significant guidance from Congress. This is not how the program is supposed to work and has created considerable hardship for both local communities in need of assistance and the Corps itself. I hope today's action will be the first major step in reversing this five year trend.

Mr. Chairman, southern West Virginia has been ravaged by significant flooding since WRDA was last enacted, and the people of southern West Virginia have suffered. Many live in homes that were built well before flood patterns and the risks associated were known. Absent action from Congress in the form of WRDA, families have been forced to move from their homes and businesses have picked up and moved out of the area. In many cases, a simple authorization and appropriation would have mitigated many of these problems.

I have worked tirelessly with the Army Corps of Engineers and the Appalachian Regional Commission to combat flood damage, seeking to prevent future flooding. WRDA will help us in that endeavor.

Mr. Chairman, the House today made a strong statement by overwhelmingly passing WRDA. I urge the other body to take up and pass the Water Resources Development Act of 2005, as further inaction by Congress will continue to negatively affect our Nation's communities.

Mr. GUTKNECHT. Mr. Chairman, I rise today in support of the underlying bill, the Water Resources Development Act. In particular, I support the authorization given to the Army Corps of Engineers to begin work on renovating the locks and dams on the Mississippi River and to restore the diverse ecosystem of the river. I will oppose amendments meant to stop this construction from moving forward.

I believe the bill's well-balanced approach will meet the needs of those who depend on the river for commerce, restore and protect the diverse natural environment, and enhance recreational opportunities.

Much of the American Midwest's economy is dependent on the Mississippi river. In 1999, more than 151 million tons of commodities moved on the river system with a combined value of nearly \$24 billion. The State of Minnesota sent about \$1.4 billion worth of grain down the river—most of it traveled to New Orleans and Baton Rouge for export to foreign markets.

Approximately 70 percent of our nation's agricultural exports travel along the Mississippi. A 2002 study determined that, if congestion increases on the river, \$562 million could be lost in farm income alone. The Upper Mississippi supports more than 400,000 jobs in manufacturing, agriculture, and shipping—all of which support local businesses.

Unfortunately, the day-to-day wear and tear on the river has taken its toll. The locks on the Mississippi river were built in the 1930s with 1930's technology and standards and for 1930's needs. They were designed for a 50-year life-span and are now more than 70 years old. Today's barge traffic is significantly different than when the locks were designed. The barges today average 1,100 feet in length while the current locks were built for barges only 600 feet in length. Towboats have to drop off half their barges in order to pass through the locks, and then reconnect, and then repeat the procedure upon arriving at the next lock. Building 1,200-foot locks will cut dock time and costs—and those savings are passed on to farmers, manufacturers, and consumers, creating jobs for our economy.

Not only will refurbishing and expanding the locks facilitate commerce, but it will reduce stress on our roadways. A typical tow of 15 barges down the river can carry as much as 870 semi-trucks with 60 percent fewer emissions. One 15-barge tow can carry the same amount of grain as a three mile long train or 35 miles of trucks lined end to end. Clearly, using the River for transportation is much more efficient and makes our air cleaner.

This project will not just benefit the transportation sector. I have spent time on the river and have seen the amazing ecosystem restoration projects that are underway and are sure to be continued under this plan. The Upper Mississippi valley provides habitat for 305 species of birds, 57 species of mammals, 45 species of amphibians and reptiles, and 134 species of fish. There are even bald eagles in the area, which can be seen year-round. In fact, the National Eagle Center is located along the Mississippi River, in Wabasha, Minnesota.

The upper Mississippi is a haven for boating, fishing, hunting and other forms of recreation. Locals and tourists alike enjoy year-round fishing for walleye, northern pike, bass, perch, crappies, and catfish up and down the river. On summer days, thousands of private boaters enjoy the river, and hunters enjoy harvesting ducks in the fall.

The river is a beautiful place. The proper balance between commerce, recreation, and the environment must be maintained. I ask for my colleagues to support the bill and reject amendments that prevent the modernization of the locks and dams from moving forward.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and DUNCAN, and Mr. OBERSTAR and Ms. JOHNSON for their hard work in bringing this bill to the floor. Like the TEA-LU bill, we have been waiting several years to pass this important legislation.

These water projects are extremely important for my home state of Florida and for my District. I have port dredging project that has been funded, but can not get started because the Corps of Engineers doesn't have authorization to do it. We are also still recovering from the ecological damage created by last year's hurricanes, and we can use this funding to continue to restore our state's waterways.

Like all transportation projects, those included in this bill will put people back to work, improve our communities, and creates economic activity.

By delaying the passage of this much needed legislation any further, we are doing a disservice to the people we represent.

I encourage my colleagues here in the House and in the Senate to pass this legislation quickly so we can move forward with the critical projects this bill contains.

Mr. LEACH. Mr. Chairman, I rise in support of the Water Resources Development Act, specifically the Upper Mississippi River-Illinois Waterway.

This long overdue bill recommitments the United States Government to the enhancement of our greatest national wonder—the Mississippi River basin. This national wonder is a kaleidoscope of beauty: birds, fish, fowl, the landscape of plains and valleys rolling into creeks, small rivers and other tributaries of a river that facilitates recreation as well as commerce.

Our mightiest river demands our respect—for its beauty, for its sport, and not incidentally for its commerce. It is true that man has intruded with footprints on this river system with locks and dams. It is also true that these footprints have been restrained, particularly in relation to the commercial footprints that other transportation techniques have wrought in other environments.

Indeed the introduction of a man-made channel has caused the river to be more hospitable to fish-life than that which existed when parts of the upper Mississippi were prone to persistent rapids and shallows. The maintenance of a constant channel has made possible more lake-like conditions for recreation boating and fishing. It has also made the Mississippi River basin part of world commerce. Indeed it has not only facilitated the marketing of grain to paying customers, but it has made possible the transfer of gifted grain to impoverished parts of the world to sustain lives that otherwise would have starved.

Commerce, it must be understood, is not a four-letter word. Efficient transportation creates jobs. Barging grains, for instance, embellishes the livelihood of farm producers as it enables citizens of the world to be nourished. This bill which balances concern for the environment with realistic upgrading and maintenance of our lock and dam infrastructure deserves our support.

Mr. WELLER. Mr. Chairman, I rise today to express my strong support for H.R. 2864, the Water Resources Development Act (WRDA) of 2005. This historic legislation will provide funding for valuable projects across our Nation and the 11th Congressional District of Illinois.

I want to thank and commend the Committee for including three projects specific to the 11th Congressional District of Illinois within H.R. 2864. Legislative language was included in the bill which will ensure the Army Corps continued commitment to the Village of Utica, the Illinois and Michigan Canal, and Ballard's Island in the Illinois River.

The Village of Utica, IL has experienced periodic flood damage ranging from annual nuisance flooding to widespread flooding causing major damage. A majority of the commercial development in the village and multiple downtown municipal buildings are located in the 100-year floodplain. The impacts of recurring flood damage, along with the continuous risk of future damage, restrict the economic potential of the area. Additionally, since

much of the downtown was destroyed in a massive tornado during April of 2004, rebuilding efforts have been hampered by having to adhere to floodplain guidelines.

Changing the delineation of the 100-year floodplain is a complex process, and there is no easy way to immediately remove the downtown area from the plain as the post-tornado rebuilding proceeds. However, long-range flood protection options do exist including the construction of a flood control basin on Clark Run Creek upstream from downtown Utica, or the construction of a high flow bypass that would channel water typically flowing overland into downtown Utica into the Illinois and Michigan Canal instead. I am pleased that the Army Corps will be taking a closer look at these options.

The City of LaSalle, IL has taken an aggressive approach to promoting itself as a historical tourism destination as a way to compensate for the loss of manufacturing. The highpoint of this project is the Port of LaSalle and the I & M Canal. The I & M Canal was integral to the success of Chicago as a transportation hub back in the 19th century as it connected the City to the Illinois River. While it fell into disuse and disrepair, the Canal Corridor Association and the City of LaSalle have remade a stretch at the Lock 14 site in LaSalle. A replica canal boat is planned to be constructed and act a tourist attraction and also a unique venue that can be rented for private functions to bring further revenue to the community.

However, further contaminate testing (including cadmium and zinc) needs to be completed so that dredging may take place in order to create a long and deep enough channel for the canal boat to be successfully operated. I thank the committee for their continued support of this important project, and in making the Port of LaSalle initiative an Army Corps priority.

Finally, I am pleased to thank the Committee for their support for studying the opening up of the Ballard's Island Channel in the Illinois River. The Army Corps completed its last dredging and stone removal at the Ballard's Island site in October 2003 with the intent to study the effects and ramifications. A significant time having passed, it is time for the Corps to continue with opening up this channel which the Corps closed almost 60 years ago. Cutting through the very large riparian bar which has built up over 60 years and which now blocks the original channel may be a means to this goal and I congratulate the Committee for their willingness to look further at this possibility.

Passage of this all-important bill is not only important to the 11th Congressional District, but it is also imperative to the competitiveness and survival of Illinois and Midwestern agriculture within the global market. WRDA 2005 funds the Upper Mississippi and Illinois River Locks and Dams Restoration Project. This project will replace seven key 600-foot navigation locks with seven new 1,200-foot locks. Improvements to the inland water transportation system are long past due. Many structures were built over 60 years ago, when barge tows were less than 600 feet long. Today's barge tows are nearly 1,200 feet long, creating vast backlogs at many locks, and slowing the speed with which Illinois products can be shipped abroad.

In order for U.S. agriculture to compete globally, we must have an updated water

transportation system. Argentina, for example, has invested over \$650 million in agricultural transportation. Brazil is reconstructing its waterway system in an effort to reduce the shipping costs of agricultural commodities by 75 percent. Due in large part to transportation advancements, these two countries have captured 50 percent of the total growth in world soybean sales during the past 3 years.

The price farmers receive at their local market is often largely based on the price of transportation from the Mississippi River to the export markets. The lower the cost of transportation, the lower the cost of U.S. products on the world market; thus, the more demand for U.S. products in the global marketplace.

Passage of H.R. 2864 with the inclusion of the Upper Mississippi and Illinois River Locks and Dams Restoration Project is also a jobs creation mechanism. According to the Army Corps of Engineers, construction of the 7 locks will provide at least 3,000–6,000 jobs per year for the construction period, estimated 12–20 years.

I thank the Committee for their hard work on this important bill and strongly urge the Congress to join me in voting in support of WRDA 2005's final passage.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 2864, the Water Resources Development Act of 2005. This legislation fulfills the commitment of the Committee on Transportation and Infrastructure to produce water resources legislation for the Nation on a biennial basis. Unfortunately, while the Committee produced a bill in the last Congress, it was not enacted into law.

We are now nearly 5 years since the last water resources bill was enacted. That is too long.

The Corps of Engineers has served the Nation well for 230 years. During those years it has established itself as the Nation's oldest, largest, and most experienced government organization in the area of water and related land engineering matters. From its early works during the Revolutionary War, to navigation improvements, to the unrivaled efforts to reduce the devastating floods in the Mississippi River valley, to the current efforts to save the Everglades from extinction, the Corps is the entity that the people call upon to solve the problems facing the Nation's vast water resources.

Few people today know that the Corps of Engineers, among its many responsibilities, had jurisdiction over Yellowstone National Park. The Corps managed Yellowstone Park for 30 years. Lieutenant Dan Kingman of the Corps, who would later become the chief of engineers, wrote:

The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will be preserved as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to no one.

A few years later, John Muir, founder of the Sierra Club, said:

The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert as far as underbrush, grass and flowers are concerned. But, in 2 years, the skin of the mountains is healthy again, blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy.

Another great American said: "The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it." That was Mark Twain.

Those statements together pay tribute to what the Corps of Engineers has done so admirably, and the great legacy they have left for all Americans protected in floods, enhanced with river navigation programs, and, of immense importance to me, protecting the great resource of the Great Lakes—one fifth of all the fresh water on the face of the Earth.

The bill before us today includes as great a variety of projects as have ever been included in water resources legislation. The scope of this bill includes projects and programs for the Nation's inland navigation system, flood protection, shoreline protection, and environmental protection and enhancement.

This bill both builds and rebuilds the Nation's infrastructure. It will allow us to expand international trade through projects to improve our coastal ports and inland navigation system. Flood control and hurricane and storm damage reduction measures will help meet critical needs to protect lives and property.

This legislation includes 30 projects for which the Chief of Engineers has submitted a report to Congress.

In addition, the bill contains over 100 project modifications of existing or on-going projects, over 100 requests for Corps of Engineers' studies for future projects, and an equal number of requests for the Corps to carry out projects consistent with the primary missions of the Corps of navigation, flood control, and ecosystem restoration.

All told, the bill, including additions adopted at Subcommittee, contains roughly \$10 billion in new and modified project authorizations. This number should come as no surprise to those familiar with the Corps process, because this bill represents approximately 5½ years of requests since the last Water Resources Development Act of 2000.

I am pleased that this legislation includes the legislative proposal developed in the previous Congress to address programmatic issues in the Corps program that have become collectively known as "Corps Reform." This bi-partisan agreement calling for independent review of larger and more controversial projects will address many of the concerns raised by stakeholders, and outside academics, and will improve the process of moving project proposals from study to completion.

There should be no doubt that I am a strong supporter of the Corps and the valuable work that it does for this country. This Nation needs the Corps of Engineers, but the Corps also needs to be free from outside criticisms. That is why I believe Congress must act to implement a few common sense revisions to the process by which the Corps develops and implements projects.

Nothing in this bill hampers the ability of the Corps to study and recommend new projects. To the contrary, the Corps study process is improved by ensuring that completed studies can withstand outside scrutiny or challenge.

This bill represents a fair effort to address the varied water resources needs of the Nation. It is worthy of bipartisan support, and I urge all Members to support the bill.

Mr. KIND. Mr. Chairman, I rise in support of this bill which, among other things, authorizes the U.S. Army Corps of Engineers' sustainability plan for the upper Mississippi River.

The navigation and ecosystem sustainability in title VIII of the bill is the product of the Upper Mississippi River-Illinois Waterway System Navigation feasibility study, which has had, unfortunately, a long and controversial history.

As many will remember, a respected Army Corps economist filed a whistleblower complaint about the Corps' use of faulty data to justify lock and dam expansion. Partly in response to that incident, I introduced legislation to revamp the project review and authorization procedures at the U.S. Army Corps of Engineers. The goals of my bill were to increase transparency and accountability; ensure fiscal responsibility; balance economic and environmental interests; and allow greater stakeholder involvement in proposed projects.

Many elements of my reform measures are in this bill, though not to the degree I believe is still needed. For example, I believe the Corps' outdated principles and guidelines should be updated to reflect current laws and public values, and much more should be done to strengthen the peer review provisions—section 2030—to create a truly independent and effective review process. It is my hope the other body will include the full scope of these sensible reform measures in their version of this important bill.

In addition, in the wake of the whistleblower scandal, my colleagues and I in the Army Corps reform caucus called for the scientific, nonpartisan, national research council to review the Corps' final recommended plan. Regrettably the NRC's report concluded there remained some questions about the Corps' commercial traffic predictions on the Mississippi—but expressed support for the Corps' inclusion of adaptive management ecosystem restoration components in their plan.

While I remain troubled by the Corps' inability to fully justify the Model they used for their commercial traffic predictions, America clearly has an aging lock and dam infrastructure on the Mississippi. Most of the locks and dams on the upper Mississippi River system are over 60 years old and many are in serious need of repair and rehabilitation. For the past 19 years, the Corps has been undertaking major rehabilitation of individual facilities throughout the navigation system in an effort to extend their useful life. This work is critical to ensuring navigation reliability and safety.

Furthermore, I represent a rural district where agriculture plays an important role in the economy and the life of many of its citizens. Updating this vital water transportation system by modernizing these aging locks will mean greater export opportunities for our farmers, and will create and sustain jobs throughout rural America which has been hit hard by the sluggish economy.

Finally, the ecological health of the Mississippi River and its economic importance to the many people that make their living or seek their recreation is based on a healthy river system. Scientists studying the river agree that without significant efforts to restore habitat, this vital national resource will continue to decline. A strong and consistent Federal role for ecosystem restoration is necessary for the entire basin, both because of the large acreage of Federal lands, including the upper Mississippi River National Wildlife and Fish Refuge (the longest river refuge in the continental U.S.), as well as its major importance as a continental and international flyway for migra-

tory birds, and as a habitat for federally listed threatened and endangered species.

We must ensure Federal resources are balanced between lock construction and ecosystem needs. That is why I offered an amendment to this bill that seeks to do two things: First, it adds a new provision requiring the secretary to make an annual report to congress specifically on whether the lock and dam construction and ecosystem restoration projects are being carried out at comparable rates. In addition, the amendment makes it clear that congress intends to share the authority with the secretary in determining if the projects are moving forward at a comparable rate and adjust the annual funding accordingly. Mississippi lock and dam modernization and ecosystem restoration are an expensive provision of this bill and the American taxpayer deserves to know it is being done right.

Mr. Chairman, the Mississippi River is one of America's national treasures. People come from all over the U.S., and all over the world come to its banks to see the natural splendor captured so well by authors like Mark Twain.

As founder and co-chair of the upper Mississippi River Congressional task force, I have long sought to preserve the river's health and historical multiple uses, including as a natural waterway and a home to wildlife, for the benefit of future generations of Americans. While this is not a perfect bill, if implemented appropriately, I believe it will benefit both rural economies and the wildlife that depend on a healthy Mississippi River.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of H.R. 2864, the Water Resources Development Act of 2005. I want to begin by applauding Chairman DUNCAN for his continued effort to move this critical legislation forward. As a Member of the Water Resource Subcommittee, I have had the opportunity to see first hand his dedication to improving our Nation's infrastructure.

I also want to express my thanks to Ranking Member EDDIE BERNICE JOHNSON, as well as our Leadership on the Committee, Chairman YOUNG and Ranking Member OBERSTAR. They have always led our Committee in a bipartisan manner which places our Nation's interest ahead of politics.

Mr. Chairman, wastewater infrastructure is not the flashiest of issues, but it is absolutely fundamental to improving quality of life, protecting the environment and enhancing economic development. My staff frequently gives me a hard time as I like to point out that if you cannot turn on the spicket and get clean and flush toilets you do not have basic sewer infrastructure in place, you simply cannot have economic development. It may not be the prettiest of analogies, but I find it is one that rings very true. And Mr. Chairman, that is why the bill we have before is so important.

To emphasize this point, I would point to a project that took place in my home district in Pennsylvania. When I was first elected to this body, community officials came to me seeking funding for a small infrastructure project. A local creek, which flows into the Juniata River and eventually into the Susquehanna, was being filled with sewage from nearby houses because of lack of proper sewer lines. The health concerns, as well as the harm to the environment terribly hampered the quality of life for the local residents and prevented business from settling there.

For the last four years, I have worked with officials to equip the community with a proper

sewer system. I am happy to report that now roughly over 200 homes located in Broadtop Township are now properly hooked up to sewer lines. That may not seem like a big deal to some, but to my rural Pennsylvania district it means a great deal. And it would not be possible if it were not for the bill before us today.

In short Mr. Chairman, the quality of life of the citizens of Pennsylvania and indeed throughout this Nation has been improved by the critical projects that are funded under this bill. Again, my congratulations to Chairman DUNCAN and the staff which has worked so diligently on this bill. I urge my colleagues to support the measure.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that today the House is considering the Water Resources Development Act of 2005.

In this bill, 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 missions.

This negotiation involved a lot of give and take. The result does not represent my initial positions, or Mr. OBERSTAR's. That is the nature of a compromise.

The compromise language gives the Corps of Engineers the tools it needs to improve and expedite water resources projects.

These provisions earned the support of all the members of the Transportation and Infrastructure Committee, received the support of 412 Members of the House last Congress, and deserve the support of all the Members of the House this Congress.

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 and to improve our quality of life.

Some complain about the cost of Corps of Engineers projects, but these investments are critically important to our economy.

Over 13 million American 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 of our locks are over 50 years old and two have been operating since the 19th century.

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

Finally, there are worthwhile environmental restoration projects that provide both environmental and economic benefits.

The Water Resources Development Act of 2005 addresses these needs in communities all over the country.

I want to thank the ranking member of the committee, Mr. OBERSTAR, for his help in resolving some very contentious issues and I appreciate his willingness to work together in a bipartisan fashion.

I want to commend Mr. DUNCAN and Ms. JOHNSON and the Water Resources and Environment Subcommittee for their hard work in crafting this legislation.

I urge all Members to support H.R. 2864 and join me in encouraging the other body to act expeditiously once this bill has passed the House.

Mr. FITZPATRICK. Mr. Chairman, I rise today in support of Chairman YOUNG's exemplary work on the Water Resources Development Act. In addition, I stand here to endorse The Chairman's Manager's Amendment—which contains my bipartisan legislation—H.R. 1983.

H.R. 1983 called for a new flood mitigation study of the Delaware River covering four states: Delaware, Pennsylvania, New Jersey and New York. I would like to thank the effort and support of my bipartisan coalition of the Delaware River corridor: Representatives DENT, HINCHEY, KELLY, MENENDEZ, SMITH and HOLT.

This is the first piece of legislation I introduced as a member of Congress. I would like to thank Chairman YOUNG again for including H.R. 1983 in the Manager's Amendment because this bill is needed for my constituents who were devastated by two floods in only six months.

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

The Acting CHAIRMAN (Mr. LATHAM). 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. 2864

*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 2005".

(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. *Non-Federal contributions.*

Sec. 2002. *Harbor cost sharing.*

Sec. 2003. *Funding to process permits.*

Sec. 2004. *National shoreline erosion control development and demonstration program.*

Sec. 2005. *Small shore and beach restoration and protection projects.*

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. *Wildfire firefighting.*

Sec. 2022. *Credit for nonconstruction services.*

Sec. 2023. *Technical assistance.*

Sec. 2024. *Coordination and scheduling of Federal, State, and local actions.*

Sec. 2025. *Project streamlining.*

Sec. 2026. *Lakes program.*

Sec. 2027. *Mitigation for fish and wildlife losses.*

Sec. 2028. *Cooperative agreements.*

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Sec. 2033. *Shore protection projects.*

Sec. 2034. *Ability to pay.*

Sec. 2035. *Aquatic ecosystem restoration.*

Sec. 2036. *Small flood damage reduction projects.*

Sec. 2037. *Leasing authority.*

Sec. 2038. *Cost estimates.*

Sec. 2039. *Studies and reports for water resources projects.*

Sec. 2040. *Fiscal transparency report.*

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Sec. 3002. *St. Paul Harbor, St. Paul Island, Alaska.*

Sec. 3003. *Sitka, Alaska.*

Sec. 3004. *Tatitlek, Alaska.*

Sec. 3005. *Grand Prairie Region and Bayou Meto basin, Arkansas.*

Sec. 3006. *Oseola Harbor, Arkansas.*

Sec. 3007. *Pine Mountain Dam, Arkansas.*

Sec. 3008. *Saint Francis Basin, Arkansas.*

Sec. 3009. *American River Watershed, California.*

Sec. 3010. *Compton Creek, California.*

Sec. 3011. *Grayson Creek/Murderer's Creek, California.*

Sec. 3012. *Hamilton Airfield, California.*

Sec. 3013. *John F. Baldwin Ship Channel and Stockton Ship Channel, California.*

Sec. 3014. *Kaweah River, California.*

Sec. 3015. *Larkspur Ferry Channel, Larkspur, California.*

Sec. 3016. *Llagas Creek, California.*

Sec. 3017. *Los Angeles Harbor, California.*

Sec. 3018. *Maggie Creek, California.*

Sec. 3019. *Pacific Flyway Center, Sacramento, California.*

Sec. 3020. *Pinole Creek, California.*

Sec. 3021. *Prado Dam, California.*

Sec. 3022. *Sacramento and American Rivers Flood Control, California.*

Sec. 3023. *Sacramento Deep Water Ship Channel, California.*

Sec. 3024. *Sacramento River, Glenn-Colusa, California.*

Sec. 3025. *Santa Cruz Harbor, California.*

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Sec. 3031. *Yuba River Basin project, California.*

Sec. 3032. *Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.*

Sec. 3033. *Brevard County, Florida.*

Sec. 3034. *Broward County and Hillsboro Inlet, Florida.*

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Sec. 3041. *Tampa Harbor-Big Bend Channel, Florida.*

Sec. 3042. *Tampa Harbor Cut B, Florida.*

Sec. 3043. *Allatoona Lake, Georgia.*

Sec. 3044. *Latham River, Glynn County, Georgia.*

Sec. 3045. *Dworshak Dam and Reservoir improvements, Idaho.*

Sec. 3046. *Beardstown Community Boat Harbor, Beardstown, Illinois.*

Sec. 3047. *Cache River Levee, Illinois.*

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 Sec. 5019. Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program.  
 Sec. 5020. Lock and dam security.  
 Sec. 5021. Pinhook Creek, Huntsville, Alabama.  
 Sec. 5022. Tallapoosa, Alabama.  
 Sec. 5023. Alaska.  
 Sec. 5024. Barrow, Alaska.  
 Sec. 5025. Coffman Cove, Alaska.  
 Sec. 5026. Fort Yukon, Alaska.  
 Sec. 5027. Kotzebue Harbor, Alaska.  
 Sec. 5028. Lowell Creek Tunnel, Seward, Alaska.  
 Sec. 5029. St. Herman and St. Paul Harbors, Kodiak, Alaska.  
 Sec. 5030. Tanana River, Alaska.  
 Sec. 5031. Valdez, Alaska.  
 Sec. 5032. Whittier, Alaska.  
 Sec. 5033. Wrangell Harbor, Alaska.  
 Sec. 5034. Augusta and Clarendon, Arkansas.  
 Sec. 5035. Des Arc levee protection, Arkansas.  
 Sec. 5036. Helena and vicinity, Arkansas.  
 Sec. 5037. Loomis Landing, Arkansas.  
 Sec. 5038. St. Francis River Basin, Arkansas and Missouri.  
 Sec. 5039. White River basin, Arkansas.  
 Sec. 5040. Cambria, California.  
 Sec. 5041. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.



- Sec. 5042. Dana Point Harbor, California.  
 Sec. 5043. East San Joaquin County, California.  
 Sec. 5044. Eastern Santa Clara Basin, California.  
 Sec. 5045. Pine Flat Dam and Reservoir, California.  
 Sec. 5046. Sacramento deep water ship channel, California.  
 Sec. 5047. San Francisco, California.  
 Sec. 5048. San Francisco, California, waterfront area.  
 Sec. 5049. Santa Venetia, California.  
 Sec. 5050. Stockton, California.  
 Sec. 5051. Victor V. Veysey Dam, California.  
 Sec. 5052. Whittier, California.  
 Sec. 5053. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.  
 Sec. 5054. Christina River shipwreck, Delaware.  
 Sec. 5055. Anacostia River, District of Columbia, Maryland, and Virginia.  
 Sec. 5056. Florida Keys water quality improvements.  
 Sec. 5057. Lake Worth, Florida.  
 Sec. 5058. Lake Lanier, Georgia.  
 Sec. 5059. Riley Creek Recreation Area, Idaho.  
 Sec. 5060. Reconstruction of Illinois flood protection projects.  
 Sec. 5061. Kaskaskia River Basin, Illinois, restoration.  
 Sec. 5062. Floodplain mapping, Little Calumet River, Chicago, Illinois.  
 Sec. 5063. Natalie Creek, Midlothian and Oak Forest, Illinois.  
 Sec. 5064. Illinois River basin restoration.  
 Sec. 5065. Promontory Point, Lake Michigan, Illinois.  
 Sec. 5066. Burns Waterway Harbor, Indiana.  
 Sec. 5067. Calumet region, Indiana.  
 Sec. 5068. Floodplain mapping, Missouri River, Iowa.  
 Sec. 5069. Rathbun Lake, Iowa.  
 Sec. 5070. Cumberland River basin, Kentucky.  
 Sec. 5071. Louisville, Kentucky.  
 Sec. 5072. Mayfield Creek and tributaries, Kentucky.  
 Sec. 5073. North Fork, Kentucky River, Breathitt County, Kentucky.  
 Sec. 5074. Paducah, Kentucky.  
 Sec. 5075. Southern and eastern Kentucky.  
 Sec. 5076. Winchester, Kentucky.  
 Sec. 5077. Baton Rouge, Louisiana.  
 Sec. 5078. Calcasieu Ship Channel, Louisiana.  
 Sec. 5079. Cross Lake, Shreveport, Louisiana.  
 Sec. 5080. West Baton Rouge Parish, Louisiana.  
 Sec. 5081. Charlestown, Maryland.  
 Sec. 5082. Delmarva Conservation Corridor, Maryland and Delaware.  
 Sec. 5083. Massachusetts dredged material disposal sites.  
 Sec. 5084. Ontonagon Harbor, Michigan.  
 Sec. 5085. St. Clair River and Lake St. Clair, Michigan.  
 Sec. 5086. Crookston, Minnesota.  
 Sec. 5087. Garrison and Kathio Township, Minnesota.  
 Sec. 5088. Minneapolis, Minnesota.  
 Sec. 5089. Northeastern Minnesota.  
 Sec. 5090. Harrison, Hancock, and Jackson Counties, Mississippi.  
 Sec. 5091. Mississippi River, Missouri, and Illinois.  
 Sec. 5092. St. Louis, Missouri.  
 Sec. 5093. Acid Brook, Pompton Lakes, New Jersey.  
 Sec. 5094. Hackensack Meadowlands area, New Jersey.  
 Sec. 5095. Central New Mexico, New Mexico.  
 Sec. 5096. Atlantic Coast of New York.  
 Sec. 5097. College Point, New York City, New York.  
 Sec. 5098. Flushing Bay and Creek, New York City, New York.  
 Sec. 5099. Hudson River, New York.  
 Sec. 5100. Mount Morris Dam, New York.  
 Sec. 5101. Onondaga Lake, New York.  
 Sec. 5102. John H. Kerr Dam and Reservoir, North Carolina.  
 Sec. 5103. Stanly County, North Carolina.  
 Sec. 5104. W. Kerr Scott Dam and Reservoir, North Carolina.  
 Sec. 5105. Ohio.  
 Sec. 5106. Toussaint River, Ohio.  
 Sec. 5107. Eugene, Oregon.  
 Sec. 5108. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.  
 Sec. 5109. Lowell, Oregon.  
 Sec. 5110. Allegheny County, Pennsylvania.  
 Sec. 5111. Lehigh River, Lehigh County, Pennsylvania.  
 Sec. 5112. Northeast Pennsylvania.  
 Sec. 5113. Upper Susquehanna River Basin, Pennsylvania and New York.  
 Sec. 5114. Cano Martin Pena, San Juan, Puerto Rico.  
 Sec. 5115. Beaufort and Jasper Counties, South Carolina.  
 Sec. 5116. Fritz Landing, Tennessee.  
 Sec. 5117. J. Percy Priest Dam and Reservoir, Tennessee.  
 Sec. 5118. Town Creek, Lenoir City, Tennessee.  
 Sec. 5119. Tennessee River partnership.  
 Sec. 5120. Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi.  
 Sec. 5121. Bosque River watershed, Texas.  
 Sec. 5122. Dallas Floodway, Dallas, Texas.  
 Sec. 5123. Harris County, Texas.  
 Sec. 5124. Onion Creek, Texas.  
 Sec. 5125. Dyke Marsh, Fairfax County, Virginia.  
 Sec. 5126. Eastern Shore and southwest Virginia.  
 Sec. 5127. James River, Virginia.  
 Sec. 5128. Baker Bay and Ilwaco Harbor, Washington.  
 Sec. 5129. Hamilton Island campground, Washington.  
 Sec. 5130. Puget Island, Washington.  
 Sec. 5131. Willapa Bay, Washington.  
 Sec. 5132. Bluestone, West Virginia.  
 Sec. 5133. West Virginia and Pennsylvania flood control.  
 Sec. 5134. Lower Kanawha River Basin, West Virginia.  
 Sec. 5135. Central West Virginia.  
 Sec. 5136. Southern West Virginia.  
 Sec. 5137. Johnsonville Dam, Johnsonville, Wisconsin.  
 Sec. 5138. Construction of flood control projects by non-Federal interests.  
 Sec. 5139. Use of Federal hopper dredge fleet.

#### TITLE VI—FLORIDA EVERGLADES

- Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.  
 Sec. 6002. Pilot projects.  
 Sec. 6003. Maximum cost of projects.  
 Sec. 6004. Project authorization.  
 Sec. 6005. Credit.  
 Sec. 6006. Outreach and assistance.  
 Sec. 6007. Critical restoration projects.  
 Sec. 6008. Deauthorizations.  
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#### TITLE VII—LOUISIANA COASTAL AREA

- Sec. 7001. Definitions.  
 Sec. 7002. Additional Reports.  
 Sec. 7003. Coastal Louisiana ecosystem protection and restoration task force.  
 Sec. 7004. Investigations.  
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 Sec. 7006. Non-Federal cost share.  
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 Sec. 7008. Statutory Construction.

#### TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

- Sec. 8001. Definitions.  
 Sec. 8002. Navigation improvements and restoration.  
 Sec. 8003. Authorization of construction of navigation improvements.  
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 Sec. 8005. Comparable progress.

#### 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) AKUTAN, ALASKA.—

(A) IN GENERAL.—The project for navigation, Akutan, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$19,700,000.

(B) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

(2) HAINES SMALL BOAT HARBOR, HAINES, ALASKA.—The project for navigation, Haines Small Boat Harbor, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total of \$12,200,000, with an estimated Federal cost of \$9,700,000 and an estimated non-Federal cost of \$2,500,000.

(3) 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 \$4,978,000, with an estimated Federal cost of \$3,236,000 and an estimated non-Federal cost of \$1,742,000.

(4) VA SHILY' AY AKIMEL, SALT RIVER RESTORATION, ARIZONA.—The project for ecosystem restoration, Va Shily' Ay Akimel, Salt River, Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$138,968,000, with an estimated Federal cost of \$90,129,000 and an estimated non-Federal cost of \$48,839,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$50,600,000, with an estimated Federal cost of \$33,000,000 and estimated non-Federal cost of \$17,600,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of \$11,862,000, with an estimated Federal cost of \$7,592,000 and an estimated non-Federal cost of \$4,270,000, and at an estimated total cost of \$38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$19,002,000 and an estimated non-Federal cost of \$19,002,000.

(7) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$130,335,000, with an estimated Federal cost of \$78,973,000 and an estimated non-Federal cost of \$51,362,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for ecosystem restoration and flood damage reduction, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$41,793,000, with an estimated Federal cost of \$27,256,000 and an estimated non-Federal cost of \$14,537,000.

###### (9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, Nap River, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$100,500,000, with an estimated Federal cost of \$64,000,000 and an estimated non-Federal cost of \$36,500,000.

(B) PROJECT FEATURES.—In carrying out the project, the Secretary shall include construction of a recycled water pipeline extending from the Sonoma Valley County Sanitation District

Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant as part of the project and restoration and enhancement of Salt Ponds 1, 1A, 2, and 3.

(10) 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 \$18,824,000, with an estimated Federal cost of \$12,236,000 and an estimated non-Federal cost of \$6,588,000.

(11) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of \$121,127,000, with an estimated Federal cost of \$64,843,000 and an estimated non-Federal cost of \$56,284,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(12) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration, East St. Louis and vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$191,158,000, with an estimated Federal cost of \$123,807,000 and an estimated non-Federal cost of \$67,351,000.

(13) 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 \$16,000,000, with an estimated Federal cost of \$10,400,000 and an estimated non-Federal cost of \$5,600,000.

(14) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$9,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) 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: Reports of the Chief of Engineers, dated August 23, 2002, and July 22, 2003, at a total cost of \$788,000,000 with an estimated Federal cost of \$512,200,000 and an estimated non-Federal cost of \$275,800,000.

(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 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.

(16) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of \$15,683,000, with an estimated Federal cost of \$10,194,000 and an estimated non-Federal cost of \$5,489,000.

(17) MANASQUAN TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$65,800,000, with an estimated Federal cost of \$42,800,000 and an estimated non-Federal cost of \$23,000,000, and at an estimated total cost of \$108,000,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$54,000,000 and an estimated non-Federal cost of \$54,000,000.

(18) 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 \$112,623,000, with an estimated Federal cost of \$73,205,000 and an estimated non-Federal cost of \$39,418,000.

(19) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$19,494,000, with an estimated Federal cost of \$12,671,000 and an estimated non-Federal cost of \$6,823,000.

(20) 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 \$172,940,000, with an estimated Federal cost of \$80,086,000 and an estimated non-Federal cost of \$92,854,000.

(21) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers, dated April 16, 2004, at a total cost of \$13,104,000. 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.

(22) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-route, Texas: Report of the Chief of Engineers, dated December 24, 2002, at a total cost of \$15,960,000. 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.

(23) 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 \$25,200,000, with an estimated Federal cost of \$10,400,000 and an estimated non-Federal cost of \$14,800,000.

(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.

(24) 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 Federal cost of \$35,573,000.

(25) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Chehalis River, Centralia, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of \$109,850,000, with an estimated Federal cost of \$66,425,000 and an estimated non-Federal cost of \$43,425,000.

(B) CREDIT.—The Secretary shall—  
(i) credit up to \$6,500,000 toward the non-Federal share of the cost of the project for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and  
(ii) credit toward the non-Federal share of the cost of the project 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.

(C) ADDITIONAL FLOOD STORAGE AT SKOOKUMCHUCK DAM.—The Secretary shall integrate into the project the locally preferred plan

to provide an additional 9,000 acre-feet of storage capacity at Skookumchuck Dam, Washington, upon a determination by the Secretary that providing such additional storage capacity is feasible.

#### 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) HALEYVILLE, ALABAMA.—Project for flood damage reduction, Haleyville, Alabama.

(2) WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.

(3) CHINO VALLEY WASH, ARIZONA.—Project for flood damage reduction, Chino Valley Wash, Arizona.

(4) LITTLE COLORADO RIVER LEVEE, ARIZONA.—Project for flood damage reduction, Little Colorado River Levee, Arizona.

(5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(6) BARREL SPRINGS WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Barrel Springs Wash, Palmdale, California.

(7) BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.

(8) COLTON, CALIFORNIA.—Project for flood damage reduction, Colton, California.

(9) DUNLAP STREAM, SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, San Bernardino, California.

(10) HUNTS CANYON WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Hunts Canyon Wash, Palmdale, California.

(11) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Wildwood Creek, Yucaipa, California.

(12) UTICA AND VICINITY, ILLINOIS.—Project for flood damage reduction, Utica and vicinity, Illinois.

(13) DES MOINES AND RACCOON RIVERS, IOWA.—Project for flood damage reduction, Des Moines and Raccoon Rivers, Iowa.

(14) PEABODY, MASSACHUSETTS.—Project for flood damage reduction, Peabody, Massachusetts.

(15) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(16) CASS RIVER, MICHIGAN.—Project for flood damage reduction, Cass River, Vassar and vicinity, Michigan.

(17) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(18) ITASCA COUNTY, MINNESOTA.—Project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota.

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

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

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

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

(23) CANNISTEO RIVER, ADDISON, NEW YORK.—Project for flood damage reduction, Cannisteco River, Addison, New York.

(24) COHOCTON RIVER, CAMPBELL, NEW YORK.—Project for flood damage reduction, Cohocton River, Campbell, New York.

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

(26) EAST VALLEY CREEK, ANDOVER, NEW YORK.—Project for flood damage reduction, East Valley Creek, Andover, New York.

(27) SUNNYSIDE BROOK, WESTCHESTER COUNTY, NEW YORK.—Project for flood damage reduction, Sunnyside Brook, Westchester County, New York.

(28) LITTLE YANKEE RUN, OHIO.—Project for flood damage reduction, Little Yankee Run, Ohio.

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

(30) SOUTHAMPTON CREEK WATERSHED, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Southampton Creek watershed, Southampton, Pennsylvania.

(31) SPRING CREEK, LOWER MACUNGIE TOWNSHIP, PENNSYLVANIA.—Project for flood damage reduction, Spring Creek, Lower Macungie Township, Pennsylvania.

(32) YARDLEY AQUEDUCT, SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood damage reduction, Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.

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

(34) CONGELOSI DITCH, MISSOURI CITY, TEXAS.—Project for flood damage reduction, Congelosi Ditch, Missouri City, Texas.

(35) DILLEY, TEXAS.—Project for flood damage reduction, Dilley, Texas.

(b) SPECIAL RULES.—

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—The Secretary may proceed with the project for the Cache River Basin, Grubbs, Arkansas, referred to in subsection (a)(5), notwithstanding that the project is located within the boundaries of the flood control project, Cache River Basin, Arkansas and Missouri, authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 172) and modified by section 99 of the Water Resources Development Act of 1974 (88 Stat. 41).

(2) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a)(11) 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, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project 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.

(3) BORUP, MINNESOTA.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(21) 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.

(4) ITASCA COUNTY, MINNESOTA.—In carrying out the project for flood damage reduction, Itasca County, Minnesota, referred to in subsection (a)(18) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project.

(5) DILLEY, TEXAS.—The Secretary shall carry out the project for flood damage reduction, Dilley, Texas, referred to in subsection (a)(35) if the Secretary determines that the project is feasible.

**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 AND LOUISIANA.—Projects for emergency

streambank protection, Ouachita and Black Rivers, Arkansas and Louisiana.

(2) FRANKLIN POINT PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Franklin Point Park, Anne Arundel County, Maryland.

(3) MAYO BEACH PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Mayo Beach Park, Anne Arundel County, Maryland.

(4) PINEY POINT LIGHTHOUSE, ST. MARY'S COUNTY, MARYLAND.—Project for emergency streambank protection, Piney Point Lighthouse, St. Mary's County, Maryland.

(5) ST. JOSEPH HARBOR, MICHIGAN.—Project for emergency streambank protection, St. Joseph Harbor, Michigan.

(6) PUG HOLE LAKE, MINNESOTA.—Project for emergency streambank protection, Pug Hole Lake, Minnesota.

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

(8) PLATTE RIVER, PLATTE CITY, MISSOURI.—Project for emergency streambank protection, Platte River, Platte City, Missouri.

(9) RUSH CREEK, PARKVILLE, MISSOURI.—Project for emergency streambank protection, Rush Creek, Parkville, Missouri, including measures to address degradation of the creek bed.

(10) KEUKA LAKE, HAMMONDSPORT, NEW YORK.—Project for emergency streambank protection, Keuka Lake, Hammondsport, New York.

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

(12) HOWARD ROAD OUTFALL, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Howard Road outfall, Shelby County, Tennessee.

(13) MITCH FARM DITCH AND LATERAL D, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.

(14) WOLF RIVER TRIBUTARIES, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Wolf River tributaries, Shelby County, Tennessee.

(15) JOHNSON CREEK, ARLINGTON, TEXAS.—Project for emergency streambank protection, Johnson Creek, Arlington, Texas.

(16) WELLS RIVER, NEWBURY, VERMONT.—Project for emergency streambank protection, Wells River, Newbury, Vermont.

**SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

(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 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) MAHUKONA BEACH PARK, HAWAII.—Project for navigation, Mahukona Beach Park, Hawaii.

(3) NORTH KOHALA HARBOR, HAWAII.—Project for navigation, North Kohala Harbor in the vicinity of Kailua Kona, Hawaii.

(4) WAILOA SMALL BOAT HARBOR, HAWAII.—Project for navigation, Wailoa Small Boat Harbor, Hawaii.

(5) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(6) PORT TOBACCO RIVER AND GOOSE CREEK, MARYLAND.—Project for navigation, Port Tobacco River and Goose Creek, Maryland.

(7) ST. JEROME CREEK, ST. MARY'S COUNTY, MARYLAND.—Project for navigation, St. Jerome Creek, St. Mary's County, Maryland.

(8) EAST BASIN, CAPE COD CANAL, SANDWICH, MASSACHUSETTS.—Project for navigation, East

Basin, Cape Cod Canal, Sandwich, Massachusetts.

(9) LYNN HARBOR, LYNN, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(10) MERRIMACK RIVER, HAVERHILL, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(11) OAK BLUFFS HARBOR, OAK BLUFFS, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(12) WOODS HOLE GREAT HARBOR, FALMOUTH, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(13) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(14) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City Harbor, Traverse City, Michigan.

(b) SPECIAL RULES.—

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—The Secretary shall carry out the project for navigation, Blytheville County Harbor, Arkansas, referred to in subsection (a)(1) if the Secretary determines that the project is feasible.

(2) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—The Secretary shall review the locally prepared plan for the project for navigation, Traverse City Harbor, Michigan, referred to in subsection (a)(14), 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, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project 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. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

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

(1) BALLONA CREEK, LOS ANGELES COUNTY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Creek, Los Angeles County, California.

(2) BALLONA LAGOON TIDE GATES, MARINA DEL REY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Lagoon Tide Gates, Marina Del Rey, California.

(3) RATHBUN LAKE, IOWA.—Project for improvement of the quality of the environment, Rathbun Lake, Iowa.

(4) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

(5) DELAWARE BAY, NEW JERSEY AND DELAWARE.—Project for improvement of the quality of the environment, Delaware Bay, New Jersey and Delaware, for the purpose of oyster restoration.

(6) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—Project for improvement of the quality of the environment, Tioga-Hammond Lakes, Pennsylvania.

**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) CYPRESS CREEK, MONTGOMERY, ALABAMA.—Project for aquatic ecosystem restoration, Cypress Creek, Montgomery, Alabama.

(2) BEN LOMOND DAM, SANTA CRUZ, CALIFORNIA.—Project for aquatic ecosystem restoration, Ben Lomond Dam, Santa Cruz, California.

(3) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem

restoration, Dockweiler Bluffs, Los Angeles County, California.

(4) SALT RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Salt River, California.

(5) SANTA ROSA CREEK, SANTA ROSA, CALIFORNIA.—Project for aquatic ecosystem restoration, Santa Rosa Creek in the vicinity of the Prince Memorial Greenway, Santa Rosa, California.

(6) 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.

(7) 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.

(8) BAYOU TEXAR, PENSACOLA, FLORIDA.—Project for aquatic ecosystem restoration, Bayou Texar, Pensacola, Florida.

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

(10) CLAM BAYOU AND DINKINS BAYOU, SANIBEL ISLAND, FLORIDA.—Project for aquatic ecosystem restoration, Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.

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

(12) CHATTAHOOCHEE FALL LINE, GEORGIA AND ALABAMA.—Project for aquatic ecosystem restoration, Chattahoochee Fall Line, Georgia and Alabama.

(13) LONGWOOD COVE, GAINESVILLE, GEORGIA.—Project for aquatic ecosystem restoration, Longwood Cove, Gainesville, Georgia.

(14) CITY PARK, UNIVERSITY LAKES, LOUISIANA.—Project for aquatic ecosystem restoration, City Park, University Lakes, Louisiana.

(15) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(16) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(17) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

(18) RUSH LAKE, MINNESOTA.—Project for aquatic ecosystem restoration, Rush Lake, Minnesota.

(19) SOUTH FORK OF THE CROW RIVER, HUTCHINSON, MINNESOTA.—Project for aquatic ecosystem restoration, South Fork of the Crow River, Hutchinson, Minnesota.

(20) ST. LOUIS COUNTY, MISSOURI.—Project for aquatic ecosystem restoration, St. Louis County, Missouri.

(21) TRUCKEE RIVER, RENO, NEVADA.—Project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, including features for fish passage.

(22) GROVER'S MILL POND, NEW JERSEY.—Project for aquatic ecosystem restoration, Grover's Mill Pond, New Jersey.

(23) DUGWAY CREEK, BRATENAH, OHIO.—Project for aquatic ecosystem restoration, Dugway Creek, Bratenahl, Ohio.

(24) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(25) BEAVER CREEK, BEAVER AND SALEM, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Beaver Creek, Beaver and Salem, Pennsylvania.

(26) CEMENTON DAM, LEHIGH RIVER, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Cementon Dam, Lehigh River, Pennsylvania.

(27) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(28) SAUCON CREEK, NORTHAMPTON COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Saucon Creek, Northampton County, Pennsylvania.

(29) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(30) WILSON BRANCH, CHERAW, SOUTH CAROLINA.—Project for aquatic ecosystem restoration, Wilson Branch, Cheraw, South Carolina.

(31) WHITE RIVER, BETHEL, VERMONT.—Project for aquatic ecosystem restoration, White River, Bethel, Vermont.

#### SEC. 1007. SMALL PROJECTS FOR SHORELINE 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 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):

(1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

(2) SANIBEL ISLAND, FLORIDA.—Project for shoreline protection, Sanibel Island, Florida.

(3) APR A HARBOR, GUAM.—Project for shoreline protection, Apra Harbor, Guam.

(4) PITI, CABRAS ISLAND, GUAM.—Project for shoreline protection, Piti, Cabras Island, Guam.

(5) NARROWS AND GRAVESEND BAY, UPPER NEW YORK BAY, BROOKLYN, NEW YORK.—Project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York.

(6) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for shoreline protection, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(7) PORT ARANSAS, TEXAS.—Project for shoreline protection, Port Aransas, Texas.

#### 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. 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. 2002. 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 October 1, 2003.

(e) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise any partnership agreement entered into after October 1, 2003, for any project to which the amendments made by subsections (a), (b), and (c) apply to take into account the change in non-Federal participation in the project as a result of such amendments.

#### SEC. 2003. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836) is amended—

(1) in subsection (a) by striking "In fiscal years 2001 through 2005, the" and inserting "The"; and

(2) by adding at the end the following:

"(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007."

#### SEC. 2004. 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. 2005. SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.

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), is amended by striking "\$3,000,000" and inserting "\$5,000,000".

#### 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 striking "to furnish its required cooperation for" and inserting "under which each party agrees to carry out its responsibilities and requirements for implementation or construction of"; and

(C) by inserting after "\$25,000." the following: "Such agreement may include a provision for 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 an agreement under this section meets all requirements of law and policies of the Secretary in effect on the date of entry into the 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”; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after “injunction, for” the following: “payment of 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 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) **PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.**—

(1) **IN GENERAL.**—A goal of agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to further partnership and cooperative arrangements, and the agreements shall be referred to as “partnership agreements”.

(2) **REFERENCES 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 considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(3) **REFERENCES TO PARTNERSHIP AGREEMENTS.**—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be considered as a reference to a cooperation agreement or a project cooperation agreement, respectively.

(e) **DELEGATION OF AUTHORITY.**—Not later than September 30, 2006, the Secretary shall issue policies and guidelines for partnership agreements that delegate 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) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

(1) the number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary, and

(2) for any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

(g) **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.

**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 2006 through 2010.

**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, 2006, 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, 2006, 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. The Secretary shall also ensure that such compilations are available through electronic means, including the Internet.

**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 one 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 per-

form 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”; and

(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 sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources 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 one or more of the purposes of protection, restoration, or creation 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 water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

“(g) **SELECTION OF SEDIMENT DISPOSAL METHOD.**—In developing and carrying out a water resources project involving the disposal of sediment, 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 subsections (d) and (f).

“(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 PLAN-NING.**—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment 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.

“(k) **USE OF FUNDS.**—

“(1) **NON-FEDERAL INTEREST.**—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

“(2) **OTHER FEDERAL AGENCIES.**—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.”

(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 the following:

(1) A project at Little Rock Slackwater Harbor, Arkansas.

(2) A project at Egmont Key, Florida.

(3) A project in the vicinity of Calcasieu Ship Channel, Louisiana.

(4) A project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

(5) A project in the vicinity of Morehead City, North Carolina.

(6) A project in the vicinity of Galveston Bay, Texas.

**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.**

“(a) **IN GENERAL.**—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 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.

“(b) **USE OF FUNDS.**—The non-Federal interest for a study or project for an area described in subsection (a) may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of such study or project if such funds are authorized to be used to carry out such study or project.”

**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)—

(A) by striking “During fiscal years 1999 through 2002, the” and inserting “The”; and

(B) by striking “\$34,000,000” and inserting “\$42,000,000”; 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) Tuscarawas River Basin, Ohio;

“(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;

“(8) Niagara River Basin, New York; and

“(9) Genesee River Basin, New York.”;

(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.

(a) SCOPE.—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”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(e) of such Act is amended by striking “2006” and inserting “2010”.

#### SEC. 2021. 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. 2022. 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 carrying out 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 integral to the project.

#### SEC. 2023. TECHNICAL ASSISTANCE.

Section 22 of the 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 (b)(2) by striking “Up to 1/2 of the” and inserting “The”;

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

“(c) AUTHORIZATION OF APPROPRIATIONS.—

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

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking “the provisions of this section” and inserting “subsection (a)(1)”;

(B) by striking “\$500,000” and inserting “\$1,000,000”;

(7) 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.”;

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

“(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—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 Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.”.

#### SEC. 2024. 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, storm damage reduction, ecosystem 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 estab-

lishing 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, storm damage reduction, ecosystem 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. 2025. 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 involved 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. 2026. 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) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

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

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

“(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and

“(25) Lake Luxembourg, Pennsylvania.”.

#### SEC. 2027. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (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.”.

(b) 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 Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 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. 2028. 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. 2029. PROJECT PLANNING.**

## (a) OBJECTIVES.—

(1) FLOOD DAMAGE REDUCTION, 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 AND 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 plan is feasible and achieves the project purposes 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 additional measures, 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 additional measures, a separate project, or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO CERTAIN MEASURES, PROJECTS, AND ELEMENTS.—Any additional

measures, separate project, or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of the additional measures, project, or separable element.

(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. 2030. 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 im-

act 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 FACA.**—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.

**SEC. 2031. TRAINING FUNDS.**

(a) **IN GENERAL.**—The Secretary may include individuals not employed by the Department of the Army in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) **EXPENSES.**—

(1) **IN GENERAL.**—An individual not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) **PAYMENTS.**—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) **EXCESS AMOUNTS.**—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

**SEC. 2032. ACCESS TO WATER RESOURCE DATA.**

(a) **IN GENERAL.**—The Secretary shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) **DATA.**—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 404 of the Federal

Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) **PARTNERSHIPS.**—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

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

**SEC. 2033. SHORE PROTECTION PROJECTS.**

(a) **IN GENERAL.**—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) **PREFERENCE.**—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) **APPLICABILITY.**—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).

**SEC. 2034. ABILITY TO PAY.**

(a) **CRITERIA AND PROCEDURES.**—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking “180 days after such date of enactment” and inserting “August 31, 2005”.

(b) **PROJECTS.**—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) **ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.**—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) **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).

(3) **WEST VIRGINIA AND PENNSYLVANIA PROJECTS.**—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

**SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

Section 206(e) of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

**SEC. 2036. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking “\$50,000,000” and inserting “\$60,000,000”.

**SEC. 2037. LEASING AUTHORITY.**

Section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved December 22, 1944 (16 U.S.C. 460d) is amended—

(1) by inserting “federally-recognized Indian tribes and” before “Federal” the first place it appears;

(2) by inserting "Indian tribes or" after "considerations, to such"; and

(3) by inserting "federally-recognized Indian tribe" after "That in any such lease or license to a".

#### SEC. 2038. COST ESTIMATES.

The estimated Federal and non-Federal costs of projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost sharing responsibilities established by law.

#### SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

(a) STUDIES.—

(1) COST-SHARING REQUIREMENTS.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

"(3) DETAILED PROJECT REPORTS.—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

"(A) the first \$100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

"(B) paragraph (1)(C)(ii) shall not apply to such a study."

(2) PLANNING AND ENGINEERING.—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking "authorized by this Act".

(3) DEFINITIONS.—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

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

"(1) DETAILED PROJECT REPORT.—The term 'detailed project report' means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed \$1,000,000, the term includes a planning and design analysis document.

"(2) FEASIBILITY STUDY.—The term 'feasibility study' means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report."

(b) REPORTS.—

(1) PREPARATION.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a); 100 Stat. 4185) is amended—

(A) by striking "(a) In the case of any" and inserting the following:

"(a) PREPARATION OF REPORTS.—

"(1) IN GENERAL.—In the case of any";

(B) by striking "the Secretary, the Secretary shall" and inserting "the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and";

(C) by striking "Such feasibility report" and inserting the following:

"(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report";

(D) by striking "The feasibility report" and inserting "A feasibility report"; and

(E) by striking the last sentence and inserting the following:

"(3) APPLICABILITY.—This subsection shall not apply to—

"(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

"(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

"(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

"(D) general studies not intended to lead to recommendation of a specific water resources project.

"(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term 'feasibility report' means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report."

(2) PROJECTS NOT SPECIALLY AUTHORIZED BY CONGRESS.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting "RECONNAISSANCE STUDIES.—" before "Before initiating";

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

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

"(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report."

(D) in subsection (d) (as so redesignated) by inserting "INDIAN TRIBES.—" before "For purposes of"; and

(E) in subsection (e) (as so redesignated) by inserting "STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—" before "The Secretary shall".

#### SEC. 2040. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year and, for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

### TITLE III—PROJECT-RELATED PROVISIONS

#### SEC. 3001. 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 and Harbor Act of 1960 (33 U.S.C. 577), shall be \$8,000,000.

#### SEC. 3002. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.

(a) SMALL BOAT HARBOR.—No elements of the project for navigation, St. Paul Harbor, St. Paul Island, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667) and modified by section 303 of the Water Resources Development Act of 1999 (113 Stat. 298) and section 105 of the Energy and Water Development Appropriations Act, 2003 (117 Stat. 139), shall be treated by the Secretary as separable.

(b) LIMITATION ON NON-FEDERAL SHARE.—The non-Federal share for the project shall not exceed \$14,400,000.

#### 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. TATITLEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, 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. 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. 3006. OSCEOLA HARBOR, ARKANSAS.

(a) IN GENERAL.—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

#### SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas

and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

(1) to add environmental restoration as a project purpose; and

(2) to direct the Secretary to finance the non-Federal share of the cost of the project over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

**SEC. 3008. 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. 3009. AMERICAN RIVER WATERSHED, CALIFORNIA.**

Section 128 of Public Law 108-137 (117 Stat. 1838) is amended by adding at the end the following:

“(c) **DAM SAFETY MODIFICATIONS AT L.L. ANDERSON DAM.**—In determining improvements for dam safety that are necessary at the L.L. Anderson Dam, the Secretary shall consider the without-project condition to be the dam as it existed on December 1, 2003.

“(d) **COST ALLOCATION.**—In allocating costs for the project authorized in subsection (a), the Secretary shall use the project cost allocations for flood damage reduction and dam safety that are contained in the American River Watershed, California, long-term study final supplemental plan formulation report dated February 2002.”.

**SEC. 3010. COMPTON CREEK, CALIFORNIA.**

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

**SEC. 3011. 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. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated July 19, 2004, at a total cost of \$205,226,000, with an estimated Federal cost of \$153,840,000 and an estimated non-Federal cost of \$51,386,000.

**SEC. 3013. 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. 3014. KAWEAH RIVER, CALIFORNIA.**

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed \$800,000, for the costs of any work carried out by the non-Federal interest before, on, or after the date of the project partnership agreement if the Secretary determines that the work is integral to the project.

**SEC. 3015. 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 determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

**SEC. 3016. LLAGAS CREEK, CALIFORNIA.**

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to carry out the project at a total cost of \$105,000,000.

**SEC. 3017. LOS ANGELES HARBOR, CALIFORNIA.**

The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of \$222,000,000.

**SEC. 3018. MAGPIE CREEK, CALIFORNIA.**

(a) **IN GENERAL.**—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) **CREDIT.**—The Secretary shall 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. 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. 3020. 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. 3021. 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. 3022. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.**

(a) **DETERMINATION OF FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.**—

(1) **FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.**—The Secretary shall determine the amount paid by the Sacramento Area Flood Control Agency towards the Federal share of the cost of the project for the Natomas levee features authorized by section 9159(b) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944) of the project for flood control and recreation, Sacramento and American Rivers, California.

(2) **REIMBURSEMENTS TO NON-FEDERAL INTEREST.**—The Secretary shall determine the amount of reimbursements paid to the Sacramento Flood Control Agency for payment of the Federal share of the cost of the project referred to in paragraph (1).

(3) **DETERMINATION OF FEDERAL SHARE.**—In carrying out paragraph (1), the Secretary shall include in the total cost of the project all costs of the following activities that the Secretary determines to be integral to the project:

- (A) Planning, engineering, and construction.
- (B) Acquisition of project lands, easements, and rights-of-way.
- (C) Performance of relocations.
- (D) Environmental mitigation for all project elements.

(b) **CREDIT.**—

(1) **IN GENERAL.**—The Secretary shall credit toward the non-Federal share of the cost of any flood damage reduction project, authorized before the date of enactment of this Act, for which the non-Federal interest is the Sacramento Area Flood Control Agency an amount equal to the total amount determined under subsection (a)(1) reduced by the amount determined under subsection (a)(2).

(2) **ALLOCATION OF CREDIT.**—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

**SEC. 3023. 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. 3024. 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. 3025. SANTA CRUZ HARBOR, CALIFORNIA.**

The project of navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

**SEC. 3026. SEVEN OAKS DAM, CALIFORNIA.**

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

**SEC. 3027. 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 \$212,100,000, with an estimated Federal cost of \$106,050,000, and an estimated non-Federal cost of \$106,050,000. 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. 3028. 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. 3029. 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. 3030. 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. 3031. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified—

(1) to authorize the Secretary to construct the project at a total cost of \$107,700,000, with an estimated Federal cost of \$70,000,000 and an estimated non-Federal cost of \$37,700,000; and

(2) 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. 3032. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.**

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

**SEC. 3033. BREVARD COUNTY, FLORIDA.**

(a) **SHORELINE.**—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified—

(1) to direct the Secretary to establish the reach of the project as the reach between the Florida department of environmental protection monuments 75.4 to 118.3, a distance of 7.6 miles; and

(2) to direct the Secretary to expedite the general reevaluation report required by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637).

(b) **CREDIT.**—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. 3034. 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. 3035. CANAVERAL HARBOR, FLORIDA.**

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap.

**SEC. 3036. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Flor-

ida, 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. 3037. JACKSONVILLE HARBOR, FLORIDA.**

(a) **IN GENERAL.**—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.

(b) **GENERAL REEVALUATION REPORTS.**—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers for the project and the non-Federal share of the cost of the general reevaluation report for Jacksonville Harbor, Florida, being conducted on June 1, 2005, shall each be the same percentage as the non-Federal share of the cost of construction of the project.

(c) **AGREEMENT.**—The Secretary shall enter into new partnership agreements with the non-Federal interest to reflect the cost sharing required by subsection (b).

**SEC. 3038. LIDO KEY BEACH, SARASOTA, FLORIDA.**

(a) **IN GENERAL.**—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 substantially in accordance with the report of the Chief of Engineers dated December 22, 2004, at a total cost of \$14,809,000, with an estimated Federal cost of \$9,088,000 and an estimated non-Federal cost of \$5,721,000, and at an estimated total cost of \$58,635,000 for periodic nourishment over the 50-year life of the project.

(b) **CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.**—The Secretary shall enter into a partnership agreement with the non-Federal sponsor in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) for the modified project.

**SEC. 3039. 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—

(1) to include as a project purpose environmental mitigation required before July 18, 2003, by a Federal, State, or local environmental agency for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project; and

(2) to direct the Secretary to reimburse the non-Federal interest for costs it has incurred in construction of the project in accordance with section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

**SEC. 3040. PEANUT ISLAND, FLORIDA.**

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be \$9,750,000.

**SEC. 3041. 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. 3042. TAMPA HARBOR CUT B, FLORIDA.**

(a) IN GENERAL.—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 Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

**SEC. 3043. 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.

**SEC. 3044. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be \$6,175,000.

**SEC. 3045. DWORSHAK DAM AND RESERVOIR IMPROVEMENTS, IDAHO.**

The Secretary may carry out improvements to recreational facilities at the Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), to accommodate lower pool levels.

**SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.**

(a) PARTNERSHIP AGREEMENT.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the August 18, 1983, local cooperation agreement with the Beardstown Community Park District. The partnership agreement shall include the same rights and responsibilities as the agreement, changing only the identity of the non-Federal sponsor.

(b) MAINTENANCE.—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

**SEC. 3047. CACHE RIVER LEVEE, ILLINOIS.**

The Cache River Levee portion of the project for flood control, Cache River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215), is modified to add environmental restoration as a project purpose.

**SEC. 3048. CHICAGO RIVER, ILLINOIS.**

The navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge is modified to be no wider than 66 feet.

**SEC. 3049. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) OPERATION AND MAINTENANCE.—The barrier referred to in subsection (a) and the barrier in the Chicago Sanitary and Ship Canal being constructed under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be operated and maintained, at Federal expense, as a system in a manner to optimize effectiveness. Operation and maintenance includes investigating and eliminating potential pathways that may allow aquatic species in the Des Plaines River and Illinois and Michigan Canal to bypass the barriers in the Chicago Sanitary and Ship Canal.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at Federal expense, of the range of options and technologies available to prevent the spread of aquatic species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other pathways.

**SEC. 3050. EMIQUON, 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. 3051. LASALLE, ILLINOIS.**

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 the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

**SEC. 3052. SPUNKY BOTTOMS, ILLINOIS.**

(a) PROJECT PURPOSE.—The project for flood control, 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. 3053. FORT WAYNE AND VICINITY, INDIANA.**

The project for flood control Fort Wayne, St. Mary's and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4604), is modified—

(1) to direct the Secretary to provide a 100-year level of flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River, Fort Wayne and vicinity, Indiana, at a total cost of \$5,300,000; and

(2) to 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. 3054. KOONTZ LAKE, INDIANA.**

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is further modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

**SEC. 3055. 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 \$198,000,000, with an estimated Federal cost of \$148,500,000 and an estimated non-Federal cost of \$49,500,000.

**SEC. 3056. 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 for 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—

(1) 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

(2) 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. 3057. DES MOINES RIVER AND GREENBELT, IOWA.**

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99-88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to include enhanced public access and recreational enhancements, at a Federal cost of \$3,000,000.

**SEC. 3058. 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. 3059. 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—

(1) 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;

(2) to authorize the Secretary to construct the project at a total cost of \$178,000,000; and

(3) 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. 3060. 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. 3061. BAYOU PLAQUEMINE, LOUISIANA.**

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)), 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. 3062. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of 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. 3063. 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—

(1) to authorize the purchase and reforesting lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

**SEC. 3064. 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. 3065. 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. 3066. 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. 3067. 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 \$25,000,000.

**SEC. 3068. 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. 3069. GWYNNNS FALLS WATERSHED, BALTIMORE, MARYLAND.**

(a) IN GENERAL.—The Secretary shall carry out the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.

(b) SPECIAL RULE FOR GWYNNNS FALLS, MARYLAND.—The report on the project for environmental restoration at Gwynns Falls, Maryland, 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.

(c) REPEAL.—Section 123 of Public Law 108-137 (117 Stat. 1837) is repealed.

**SEC. 3070. BOSTON HARBOR, MASSACHUSETTS.**

The project for navigation, Boston Harbor, Massachusetts, authorized by section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to provide that no funds may be expended for the dredging of Chelsea Creek until the city of Boston and the United States Coast Guard complete the replacement of the Chelsea Street Bridge, as identified in the limited reevaluation report for the project dated June 1996.

**SEC. 3071. 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. 3072. ST. JOSEPH HARBOR, MICHIGAN.**

The Secretary shall expedite development of the dredged material management plan for the project for navigation St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

**SEC. 3073. SAULT SAINTE MARIE, MICHIGAN.**

(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

“The Secretary shall construct at Federal expense a second lock, of the same dimensions as the existing Poe Lock, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of \$341,714,000.”.

(b) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717-3718).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

**SEC. 3074. 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 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. 3075. 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. 3076. 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. 3077. 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. 3078. KNIFE RIVER HARBOR, MINNESOTA.**

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the

Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

**SEC. 3079. RED LAKE RIVER, MINNESOTA.**

The project for flood control, Red Lake River, 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 \$17,000,000, with an estimated Federal cost of \$11,000,000 and an estimated non-Federal cost of \$6,000,000.

**SEC. 3080. 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. 3081. 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. 3082. 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. 3083. 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 in-kind services and materials.

**SEC. 3084. PEARL RIVER BASIN, MISSISSIPPI.**

(a) **IN GENERAL.**—The Secretary shall complete a feasibility study for the project for flood damage reduction, Pearl River Watershed, Mississippi.

(b) **COMPARISON OF ALTERNATIVES.**—The feasibility study shall identify both the plan that maximizes national economic development benefits and the locally preferred plan and shall compare the level of flood damage reduction provided by each plan to that portion of Jackson, Mississippi, located below the Ross Barnett Reservoir Dam.

(c) **RECOMMENDED PLAN.**—If the Secretary determines that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan, and the locally preferred plan is technically feasible and environmentally protective, the Secretary shall recommend construction of the locally preferred plan.

(d) **EVALUATION OF PROJECT COST.**—For the purposes of determining compliance with the first section of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a), the Secretary shall consider only the costs of the national economic development plan, and shall exclude incremental

costs associated with the locally preferred plan that are in excess of such costs, if the non-Federal interest agrees to pay 100 percent of such incremental costs.

(e) **NON-FEDERAL COST SHARE.**—If the locally preferred plan is authorized for construction, the non-Federal share of the cost of the project shall be the same percentage as the non-Federal share of the cost of the national economic development plan plus all additional costs of construction associated with the locally preferred plan.

**SEC. 3085. FESTUS AND CRYSTAL CITY, MISSOURI.**

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking "\$10,000,000" and inserting "\$12,000,000".

**SEC. 3086. MONARCH-CHESTERFIELD, MISSOURI.**

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), 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 that the work is integral to the project.

**SEC. 3087. RIVER DES PERES, MISSOURI.**

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each 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. 3088. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project 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

(2) to allow the non-Federal sponsor for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the project if such funds are authorized to be used to carry out the project.

**SEC. 3089. 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. 3090. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.**

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 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), if the Secretary determines that such incorporation is feasible.

**SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.**

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is further modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

**SEC. 3092. BUFFALO HARBOR, NEW YORK.**

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of \$500,000.

**SEC. 3093. 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 \$20,000,000.

**SEC. 3094. 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. 3095. 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. 3096. LOWER GIRARD LAKE DAM, OHIO.**

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking "\$2,500,000" and inserting "\$6,000,000".

**SEC. 3097. MAHONING RIVER, OHIO.**

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the

Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed 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. 3098. ARCADIA LAKE, OKLAHOMA.**

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of costs associated with present and future water storage at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56-79-C-0072 shall satisfy the obligations of the city under that contract for such costs, including accrued interest.

**SEC. 3099. 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. 3100. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) IN GENERAL.—The project for environmental restoration, Willamette River temperature 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. 3101. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.**

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

**SEC. 3102. 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. 3103. 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. 3104. 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. 3105. SOUTH CENTRAL PENNSYLVANIA.**

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking "\$180,000,000" and inserting "\$200,000,000"; and

(2) in subsection (h)(2) by striking "Allegheny, Armstrong, Bedford, 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. 3106. 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. 3107. 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 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. 3108. FREEPORT HARBOR, TEXAS.**

The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818), is modified.—

(1) 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 that the work is integral to the project; and

(2) to direct the Secretary to remove the sunken vessel "COMSTOCK" at Federal expense.

**SEC. 3109. JOHNSON CREEK, ARLINGTON, TEXAS.**

The project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), is modified to authorize the Secretary to carry out the project at a total cost of \$29,717,000, with an estimated Federal cost of \$20,670,000 and an estimated non-Federal cost \$9,047,000.

**SEC. 3110. 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. 3111. 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 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 of Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

(2) 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

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination within 180 days after the date of enactment of this Act 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. 3112. 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 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

**SEC. 3113. PAT MAYSE LAKE, TEXAS.**

The Secretary is directed to accept from the city of Paris, Texas, \$3,461,432 as payment in full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA-34-066-CIVENG-65-1272, including accrued interest.

**SEC. 3114. PROCTOR LAKE, TEXAS.**

The Secretary is authorized to purchase fee simple title to all properties located within the

boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).

**SEC. 3115. 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 design and construction work carried out by the non-Federal interest for the project if the Secretary determines that the work is integral to the project.

**SEC. 3116. JAMES RIVER, VIRGINIA.**

The project for navigation, James River, Virginia, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (23 Stat. 138), is further modified to authorize the Secretary to enlarge the turning basin adjacent to the Richmond Deepwater Terminal at a total cost of \$1,511,000 if the Secretary determines that the such enlargement is necessary for navigation safety.

**SEC. 3117. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND WISE COUNTIES, VIRGINIA.**

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339) and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724-3725) and section 336 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to direct the Secretary to determine the ability of Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

**SEC. 3118. TANGIER ISLAND SEAWALL, VIRGINIA.**

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of \$1,200,000, with an estimated Federal cost of \$900,000 and an estimated non-Federal cost of \$300,000." and inserting "at a total cost of \$3,000,000, with an estimated Federal cost of \$2,250,000 and an estimated non-Federal cost of \$750,000."

**SEC. 3119. DUWAMISH/GREEN, WASHINGTON.**

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) 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, 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

(2) 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 in-kind services and materials.

**SEC. 3120. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.**

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, 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.

**SEC. 3121. 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 "\$99,000,000".

**SEC. 3122. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

"(d) *HISTORIC STRUCTURE.*—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House', and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior's standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection."

**SEC. 3123. NORTHERN WEST VIRGINIA.**

Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended in the first sentence by striking "favorable".

**SEC. 3124. 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. 3125. 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. 3126. 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 flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

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

(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. 3127. 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. 3128. 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 first section of 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 eastern 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) **MYSTIC RIVER, CONNECTICUT.**—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Appropriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) **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.

(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 southwestwesterly 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) **SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.**—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is further modified to redesignate a portion of the 9-foot-deep channel to an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107938.74, E452265.74.

(d) **MYSTIC RIVER, MASSACHUSETTS.**—The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from 100 foot to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514,889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515,044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

(e) **GREEN BAY HARBOR, GREEN BAY, WISCONSIN.**—The portion of the inner harbor of the Federal navigation channel, Green Bay Harbor,

Green Bay, Wisconsin, authorized by the first section of the River and Harbor Act of June 23, 1866, beginning at station 190+00 to station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

(f) **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 control, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112).

(2) The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826).

(3) The project for flood control, central and southern Florida, Shingle Creek basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(4) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of July 24, 1946 (60 Stat. 649).

(5) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4148).

(6) The project for flood control, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a) of the Water Resources Development Act of 1992 (106 Stat. 4821).

(7) The project for flood control, Hazard, Kentucky, authorized by section 3(a)(7) of the Water Resources Development Act of 1988 (100 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621).

(8) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(9) The project for flood control, western Kentucky tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1076) and modified by section 210 of the Flood Control Act of 1970 (84 Stat. 1829).

(10) The project for flood damage reduction, Tensas-Cocodrie area, Louisiana, authorized by section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 643).

(11) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825).

(12) The bulkhead and jetty features at Lake Borgne and Chef Menteur, Louisiana, of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, barge channel through Devils Swamp, Louisiana, authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635).

(13) The project for navigation Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (82 Stat. 731).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (100 Stat. 4129).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4093).

(16) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (110 Stat. 3779).

(17) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603(f)(6) of the Water Resources Development Act of 1986 (100 Stat. 4150).

(18) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817).

(19) The project for flood control, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121).

(20) The project for flood control, Miami River, Fairfield, Ohio, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4122).

(21) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135).

(22) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4144).

(23) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078).

(24) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788).

(25) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (90 Stat. 2921).

(26) The Arroyo Colorado, Texas, feature of the project for flood control Lower Rio Grande, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(27) The structural portion of the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(28) The project for flood protection, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 202 of the Flood Control Act of 1962 (76 Stat. 1185).

(29) The project for flood control, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(30) The project for streambank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153).

(g) 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. 3129. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest to real property within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.)

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under para-

graph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) MILFORD, KANSAS.—

(1) IN GENERAL.—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 real property consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real 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.

(c) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—At such time as S.S.S., Inc., conveys all right, title and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S., Inc., and the Secretary, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about a 200-foot distance from Drake Island (also known as Grimes Island).

(B) FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S. Inc., and the Secretary, situated in Pike County, Missouri, known as Government Tract Numbers MIs-7 and a portion of FM-46 (both tracts on Buffalo Island), administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the real property described in paragraph (2)(B) to S.S.S., Inc., shall be by quitclaim deed and contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc., may remove, and the Secretary may require S.S.S., Inc., to remove, any improvements on the land described in paragraph (2)(A).

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

(d) 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”.

(e) TIOGA TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the Tioga Township, Pennsylvania, without consideration, all right, title, and interest of the United States in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes flood control project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(2) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes flood control project.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(f) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, at fair market value, all right, title, and interest of the United States in and to the real property described in paragraph (2) that is managed, as of the date of enactment of this Act, by the South Carolina department of commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(2) LAND DESCRIPTION.—Subject to paragraph (3), the real property referred to in paragraph (1) is the parcel contained in the portion of real property described in Army Lease Number DACW21-1-92-0500.

(3) RESERVATION OF INTERESTS.—The United States shall reserve—

(A) ownership of all real property included in the lease referred to in paragraph (2) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other rights and interests in and to the real property to be conveyed as the Secretary considers necessary for authorized project purposes, including easement rights-of-way to remaining Federal land.

(4) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER-1130-2-406) of the Corps of Engineer shall not be changed or altered for any proposed development of land conveyed under this subsection.

(5) COST SHARING.—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost-sharing agreement between the Secretary and the State with respect to the real property described in paragraph (2) in effect as of the date of the conveyance.

(6) LAND NOT CONVEYED.—The State shall continue to manage the real property described in paragraph (3) not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

(g) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

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

(3) **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.

(4) **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 documentation costs, associated with the conveyance.

(5) **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. 3130. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**

(a) **IDAHO.**—

(1) **IN GENERAL.**—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(D) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) **AFFECTED DEEDS.**—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instruments No. 399218 and No. 399341 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instruments No. 487437 and No. 339341 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) **PORT OF PASCO, WASHINGTON.**—

(1) **EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.**—With respect to the property covered by the deed in paragraph (3)(A)—

(A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) **EXTINGUISHMENT OF FLOWAGE EASEMENT.**—With respect to the property covered by each

deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(3) **AFFECTED DEEDS.**—The deeds referred to in paragraphs (1) and (2) are as follows:

(A) Auditor's File Number 262980 of Franklin County, Washington.

(B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.

(d) **NO EFFECT ON OTHER RIGHTS.**—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

**TITLE IV—STUDIES**

**SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) 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 in-kind services and materials.”

**SEC. 4002. 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.

**SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.**

(a) **IN GENERAL.**—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with a particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) **INVENTORY OF ACTIONS.**—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) **PURPOSE.**—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section \$7,000,000. Such funds shall remain available until expended.

**SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended by striking “3 years after the first date on which funds are appropriated to carry out this section” and inserting “December 30, 2006”.

**SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

The Secretary shall conduct, at Federal expense, a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

**SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

**SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

**SEC. 4008. 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. 4009. GILA BEND, MARICOPA, ARIZONA.**

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

flood damage reduction, Gila Bend, Maricopa, Arizona. 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 if the Secretary determines that such plans and designs are consistent with Federal standards.

**SEC. 4010. 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. 4011. DRY CREEK VALLEY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide recycled water for agricultural water supply, Dry Creek Valley, California, including a review of the feasibility of expanding the Geysers recharge project north of Healdsburg, California.

**SEC. 4012. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

The Secretary shall conduct a study of the Elkhorn Slough estuary, California, to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by developing strategies to address hydrological management issues.

**SEC. 4013. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

**SEC. 4014. LOS ANGELES RIVER, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Los Angeles River, California.

(b) **REVITALIZATION PLAN.**—In conducting the study, the Secretary shall review the Los Angeles River revitalization plan developed by non-Federal interests and shall incorporate such plan into the Federal study if the Secretary determines that such plan is consistent with Federal standards.

**SEC. 4015. LYTLE CREEK, RIALTO, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

**SEC. 4016. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

**SEC. 4017. NAPA RIVER, ST. HELENA, CALIFORNIA.**

(a) **IN GENERAL.**—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.

(b) **PLANS AND DESIGNS.**—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 if the Secretary determines that such plans and designs are consistent with Federal standards.

**SEC. 4018. ORICK, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California. In conducting the study,

the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

**SEC. 4019. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

**SEC. 4020. 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. 4021. SAN DIEGO COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

**SEC. 4022. 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. 4023. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.**

(a) *IN GENERAL.*—In conducting the South San Francisco Bay shoreline study, the Secretary shall—

(1) review the planning, design, and land acquisition documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests in developing recommendations for measures to provide flood protection of the South San Francisco Bay shoreline, restoration of the South San Francisco Bay salt ponds (including lands owned by the Department of the Interior), and other related purposes; and

(2) incorporate such planning, design, and land acquisition documents into the Federal study if the Secretary determines that such documents are consistent with Federal standards.

(b) *REPORT.*—Not later than December 31, 2008, the Secretary shall transmit a feasibility report for the South San Francisco Bay shoreline study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) *CREDIT.*—

(1) *IN GENERAL.*—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study the cost of work carried out by the non-Federal interest before the date of the partnership agree-

ment for the project if the Secretary determines that the work is integral to the project.

(2) *LIMITATION.*—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

**SEC. 4024. TWENTYNINE PALMS, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

**SEC. 4025. YUCCA VALLEY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain basin, in the vicinity of Yucca Valley, California.

**SEC. 4026. BOULDER CREEK, BOULDER, COLORADO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Boulder Creek floodplain, Colorado.

**SEC. 4027. ROARING FORK RIVER, BASALT, COLORADO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and other purposes for the Roaring Fork River, Basalt, Colorado.

**SEC. 4028. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

**SEC. 4029. COLLIER COUNTY BEACHES, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

**SEC. 4030. VANDERBILT BEACH LAGOON, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

**SEC. 4031. MERIWETHER COUNTY, GEORGIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

**SEC. 4032. 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. 4033. KAUKONAHUA-HELEMANO WATERSHED, OAHU, HAWAII.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Kaukonahua-Helemano watershed, Oahu, Hawaii.

**SEC. 4034. WEST MAUI, MAUI, HAWAII.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection, West Maui, Maui, Hawaii.

**SEC. 4035. BOISE RIVER, IDAHO.**

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study

the cost, not to exceed \$500,000, 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. 4036. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island, Illinois.

**SEC. 4037. 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. 4038. 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. 4039. UTICA, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the vicinity of Utica, Illinois.

**SEC. 4040. LAKE AND PORTER COUNTIES, INDIANA.**

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 along Lake Michigan, Hammond, Whiting, East Chicago, Gary, and Portage, Indiana.

**SEC. 4041. SALEM, INDIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

**SEC. 4042. BUCKHORN LAKE, KENTUCKY.**

(a) *IN GENERAL.*—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration, recreation, and improved access as project purposes, including permanently raising the winter pool elevation of the project.

(b) *IN-KIND CONTRIBUTIONS.*—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of services, materials, supplies, or other in-kind contributions.

**SEC. 4043. DEWEY LAKE, KENTUCKY.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

**SEC. 4044. LOUISVILLE, KENTUCKY.**

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

**SEC. 4045. 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. 4046. OFFSHORE OIL AND GAS FABRICATION PORTS, LOUISIANA.**

(a) *BENEFITS.*—In conducting a feasibility study for each of the following projects for navigation, the Secretary shall include in the calculation of national economic development benefits all economic benefits associated with contracts for new energy exploration and contracts for the fabrication of energy infrastructure that would result from carrying out the project:

(1) Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, being conducted under

section 430 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(2) Iberia Port, Louisiana, being conducted under section 431 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(b) REPEAL.—Section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 282) is repealed.

**SEC. 4047. VERMILION RIVER, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation on the Vermilion River, Louisiana, from the intersection of the Vermilion River and the Gulf Intracoastal Waterway to the industrial area north of the Vermilion River.

**SEC. 4048. 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. 4049. PATAPSCO RIVER, MARYLAND.**

The Secretary shall conduct a study to determine and assess the impact of debris in the Patapsco River basin, Maryland, on wetlands, water quality, and public health and to identify management measures to reduce the inflow of debris into the Patapsco River.

**SEC. 4050. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.**

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.

**SEC. 4051. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak Townships, Michigan.

**SEC. 4052. ST. CLAIR RIVER, MICHIGAN.**

(a) IN GENERAL.—The Secretary shall carry out a study of the relationships among dredging of the St. Clair River for navigation, erosion in the river, and declining water levels in the river and in Lake Michigan and Lake Huron.

(b) RECOMMENDATIONS.—The report on the results of the study may include recommendations to address water level declines in Lake Michigan and Lake Huron.

**SEC. 4053. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.**

(a) IN GENERAL.—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) CONTENTS.—The report shall include—

(1) a determination of causes of corrosion of the bulkhead system;

(2) recommendations to reduce corrosion of the bulkhead system;

(3) a description of the necessary repairs to the bulkhead system; and

(4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

**SEC. 4054. WILD RICE RIVER, MINNESOTA.**

The Secretary shall review the project for flood protection and other purposes on Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature.

**SEC. 4055. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

The Secretary shall conduct a study to determine the feasibility of making improvements or

modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes.

**SEC. 4056. 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. 4057. ST. LOUIS, MISSOURI.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the levee system feature of the project for flood protection, St. Louis, Missouri, authorized by the first section of the Act entitled "An Act authorizing construction of certain public works on the Mississippi River for the protection of Saint Louis, Missouri", approved August 9, 1955 (69 Stat. 540).

**SEC. 4058. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

**SEC. 4059. BAYONNE, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

**SEC. 4060. CARTERET, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

**SEC. 4061. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements in the Elizabeth River watershed, Elizabeth, New Jersey.

**SEC. 4062. GLOUCESTER COUNTY, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidesgates in Gloucester, New Jersey.

**SEC. 4063. PERTH AMBOY, NEW JERSEY.**

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 Arthur Kill, Perth Amboy, New Jersey.

**SEC. 4064. WRECK POND, MONMOUTH COUNTY, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration at Wreck Pond, New Jersey, including Black Creek and associated waters.

**SEC. 4065. BATAVIA, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

**SEC. 4066. BIG SISTER CREEK, EVANS, NEW YORK.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall

evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

**SEC. 4067. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, East Chester Creek, Chester Bay, Turtle Cove, New York.

**SEC. 4068. FINGER LAKES, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and invasive species.

**SEC. 4069. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.**

In conducting the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed 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. 4070. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

**SEC. 4071. NEWTOWN CREEK, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

**SEC. 4072. NIAGARA RIVER, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

**SEC. 4073. UPPER DELAWARE RIVER WATERSHED, NEW YORK.**

Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)) and with the consent of the affected local government, a nonprofit organization may serve as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

**SEC. 4074. LINCOLN COUNTY, NORTH CAROLINA.**

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

**SEC. 4075. WILKES COUNTY, NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

**SEC. 4076. YADKINVILLE, NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

**SEC. 4077. CINCINNATI, OHIO.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration and recreation on the Ohio River, Cincinnati, Ohio.

(b) DESIGN.—While conducting the study, the Secretary may continue to carry out design work for the project as authorized by section 118 of division H of the Consolidated Appropriations Act, 2004 (118 Stat. 439).

(c) EXISTING PLANS.—In conducting the study, the Secretary shall review the Central Riverfront Park Master Plan, dated December 1999,

and incorporate any components of the plan that the Secretary determines are consistent with Federal standards.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study 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.

(2) LIMITATION.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

**SEC. 4078. EUCLID, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, ecosystem restoration, and recreation on Lake Erie, in the vicinity of the Euclid Lakefront, Euclid, Ohio.

**SEC. 4079. LAKE ERIE, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

**SEC. 4080. OHIO RIVER, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

**SEC. 4081. 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, the Secretary may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

**SEC. 4082. TILLAMOOK BAY AND BAR, OREGON.**

The Secretary shall conduct 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. 4083. 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. 4084. WALLA WALLA RIVER BASIN, OREGON.**

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon, the Secretary shall—

(1) credit toward the non-Federal share of the cost of the study 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

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

**SEC. 4085. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

**SEC. 4086. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.**

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

**SEC. 4087. NORTH CENTRAL PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out project for aquatic ecosystem restoration and protection in Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin Counties, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

**SEC. 4088. NORTHAMPTON AND LEHIGH COUNTIES STREAMS, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, floodplain management, flood damage reduction, water quality control, and watershed management, for the streams of Northampton and Lehigh Counties, Pennsylvania.

**SEC. 4089. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION.**

(a) IN GENERAL.—The Secretary shall conduct a study of structural and nonstructural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelenople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

**SEC. 4090. WILLIAMSPORT, PENNSYLVANIA.**

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

**SEC. 4091. YARDLEY BOROUGH, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

**SEC. 4092. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

(a) IN GENERAL.—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the study 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. 4093. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

**SEC. 4094. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

**SEC. 4095. 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 desalination water treatment facility to meet such water supply needs.

**SEC. 4096. CHATTANOOGA, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

**SEC. 4097. CLEVELAND, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

**SEC. 4098. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

**SEC. 4099. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

**SEC. 4100. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

**SEC. 4101. ABILENE, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

**SEC. 4102. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.**

(a) IN GENERAL.—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) SCOPE.—The comprehensive plan shall provide for the protection, conservation, and



restoration of 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.

(c) **DEFINITION.**—For purposes of this section, the term “coastal areas in the State of Texas” means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marches, coastal wetlands, rivers and streams, and adjacent areas.

**SEC. 4103. FORT BEND COUNTY, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Fort Bend County, Texas.

**SEC. 4104. HARRIS COUNTY, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Harris County, Texas.

**SEC. 4105. PORT OF GALVESTON, TEXAS.**

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

**SEC. 4106. ROMA CREEK, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Roma Creek, Texas.

**SEC. 4107. WALNUT CREEK, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, and erosion control, Walnut Creek, Texas.

**SEC. 4108. 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. 4109. SOUTHWESTERN UTAH.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

**SEC. 4110. CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

**SEC. 4111. JAMES RIVER, RICHMOND, VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction for the James River in the vicinity of Richmond, Virginia, including the Shockoe Bottom area.

**SEC. 4112. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

(a) **IN GENERAL.**—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) **ACCEPTANCE OF CONTRIBUTIONS.**—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the

value of contributions accepted by the Secretary under subsection (b).

**SEC. 4113. 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. 4114. KENOSHA HARBOR, WISCONSIN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

**SEC. 4115. 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, and greater Milwaukee watersheds, 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) Manatee Harbor basin, Florida.
- (2) Bayou LaFourche Channel, Port Fourchon, Louisiana.
- (3) Calcasieu River at Devil's Elbow, Louisiana.
- (4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.
- (5) Pix Bayou Navigation Channel, Chambers County, Texas.

(6) 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.

**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) Cucamonga basin, Upland, California.
- (2) Charlotte Harbor watershed, Florida.
- (3) Big Creek watershed, Roswell, Georgia.
- (4) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.
- (5) Kinkaid Lake, Jackson County, Illinois.
- (6) Amite River basin, Louisiana.
- (7) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.
- (8) Red River watershed, Louisiana.
- (9) Taunton River basin, Massachusetts.
- (10) Lower Platte River watershed, Nebraska.
- (11) Rio Grande watershed, New Mexico.
- (12) Marlboro Township, New Jersey.
- (13) Buffalo River watershed, New York.
- (14) Cattaraugus Creek watershed, New York.
- (15) Eighteenmile Creek watershed, Niagara County, New York.
- (16) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.
- (17) Genesee River watershed, New York.
- (18) Greenwood Lake watershed, New York and New Jersey.

- (19) Long Island Sound watershed, New York.
- (20) Oswego River basin, New York.
- (21) Ramapo River watershed, New York.
- (22) Tonawanda Creek watershed, New York.
- (23) Tuscarawas River basin, Ohio.
- (24) Western Lake Erie basin, Ohio.
- (25) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiohony, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

- (26) Otter Creek watershed, Pennsylvania.
- (27) Unami Creek watershed, Milford Township, Pennsylvania.
- (28) Sauk River basin, Washington.
- (29) Greater Milwaukee watersheds, Wisconsin.

(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) Fish Creek Dam, Blaine County, Idaho.
- (A) Hamilton Dam, Saginaw River, Flint, Michigan.

- (B) Candor Dam, Candor, New York.
- (C) State Dam, Auburn, New York.
- (D) Whaley Lake Dam, Pawling, New York.
- (E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Leaser Lake Dam, Lehigh County, Pennsylvania.

(G) Stillwater Dam, Monroe County, Pennsylvania.

(H) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(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 immediately carry out a project to remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam. Cost sharing for the project shall be as provided by section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n).

(d) **KEHLY RUN DAMS, PENNSYLVANIA.**—Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking “Dams” and inserting “Dams No. 1–5”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a) \$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, Nonconmah Creek, Tennessee.

**SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

(a) **IN GENERAL.**—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 paragraphs (23) and (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) Ascension Parish, Louisiana;”
- “(30) East Baton Rouge Parish, Louisiana;”
- “(31) Iberville Parish, Louisiana;”
- “(32) Livingston Parish, Louisiana; and
- “(33) Pointe Coupee Parish, Louisiana.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking “section—” and all that follows before the period at the end and inserting “section \$20,000,000”.

**SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.**

(a) **IN GENERAL.**—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) \$35,000,000 for the project described in subsection (c)(18);”
- “(10) \$20,000,000 for the project described in subsection (c)(20);”
- “(11) \$35,000,000 for the project described in subsection (c)(23);”
- “(12) \$20,000,000 for the project described in subsection (c)(25);”
- “(13) \$20,000,000 for the project described in subsection (c)(26);”
- “(14) \$35,000,000 for the project described in subsection (c)(27);”
- “(15) \$20,000,000 for the project described in subsection (c)(28); and
- “(16) \$30,000,000 for the project described in subsection (c)(40).”

(b) **EAST ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.**—Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

**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) 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).

(2) 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).

(3) 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).

(4) 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).

(5) 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).

(6) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(7) 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).

**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 water supply, Little Red River, Arkansas.

(2) Project for shoreline stabilization at Egmont Key, Florida.

(3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(4) Project for hurricane and storm damage reduction, Montauk Point, New York.

(b) **SPECIAL RULE FOR EGMONT KEY, FLORIDA.**—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(2), 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) **SPECIAL RULE FOR MONTAUK POINT, NEW YORK.**—The Secretary shall complete the report for the project referred to in subsection (a)(4) not later than September 30, 2005, notwithstanding the ownership of the property to be protected.

**SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.**

(a) **IN GENERAL.**—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) **COOPERATIVE AGREEMENTS.**—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$7,000,000 to carry out this section.

**SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(7) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

(1) by adding at the end of subparagraph (A) the following: “The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials.”; and

(2) by inserting after subparagraph (B) the following:

“(C) Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(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. 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. 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. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.**

Section 401(c) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is amended by striking “2006” and inserting “2011”.

**SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking “2006” and inserting “2011”.

**SEC. 5015. 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 2005 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. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

(a) **FORM OF ASSISTANCE.**—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking “, and beneficial uses of dredged material” and inserting “, beneficial uses of dredged material, and restoration of submerged aquatic vegetation”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 510(i) of such Act (110 Stat. 3761) is amended by striking “\$10,000,000” and inserting “\$50,000,000”.

**SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

**SEC. 5018. HYPOXIA ASSESSMENT.**

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

**SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.**

The Secretary may participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to accurately monitor the effectiveness of

the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

**SEC. 5020. LOCK AND DAM SECURITY.**

(a) **STANDARDS.**—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) **SITE SURVEYS.**—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursible basis, to improve lock or dam security.

(c) **COOPERATIVE AGREEMENT.**—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$3,000,000 to carry out this section.

**SEC. 5021. 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. 5022. TALLAPOOSA, ALABAMA.**

The Secretary may provide technical assistance relating to water supply to the Middle Tallapoosa Water Supply District, Alabama. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5023. ALASKA.**

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting "environmental restoration," after "water supply and related facilities,";

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking "\$25,000,000" and inserting "\$45,000,000"; and

(4) 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. 5024. BARROW, ALASKA.**

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a non-structural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

**SEC. 5025. COFFMAN COVE, ALASKA.**

The Secretary is authorized to carry out a project for navigation, Coffman Cove, Alaska, at a total cost of \$3,000,000.

**SEC. 5026. FORT YUKON, ALASKA.**

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

**SEC. 5027. KOTZEBUE HARBOR, ALASKA.**

The Secretary is authorized to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at a total cost of \$2,200,000.

**SEC. 5028. 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. 5029. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.**

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

**SEC. 5030. TANANA RIVER, ALASKA.**

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

**SEC. 5031. VALDEZ, ALASKA.**

The Secretary is authorized to construct a small boat harbor in Valdez, Alaska, at a total cost of \$20,000,000, with an estimated Federal cost of \$10,500,000 and an estimated non-Federal cost of \$9,500,000.

**SEC. 5032. WHITTIER, ALASKA.**

(a) **STUDY.**—The Secretary shall conduct, at Federal expense, a study to determine the feasibility of carrying out projects for navigation at Whittier, Alaska, to construct a new boat harbor at the head of Whittier Bay and to expand the existing harbor and, if the Secretary determines that a project is feasible, the Secretary may carry out the project.

(b) **NON-FEDERAL COST SHARE.**—The non-Federal interest may use, and the Secretary shall accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the construction of any project carried out under this section if such funds are authorized to be used to carry out such project.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$35,200,000.

**SEC. 5033. WRANGELL HARBOR, ALASKA.**

(a) **GENERAL NAVIGATION FEATURES.**—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) **REVISION OF PARTNERSHIP AGREEMENT.**—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

**SEC. 5034. 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. 5035. DES ARC LEVEE PROTECTION, ARKANSAS.**

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threaten the existing project and whether the scour is as a result of a design deficiency. If the Secretary determines that such

conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

**SEC. 5036. 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).

**SEC. 5037. 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. 5038. 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. 5039. WHITE RIVER BASIN, ARKANSAS.**

(a) **MINIMUM FLOWS.**—

(1) **IN GENERAL.**—In carrying out section 304 of the Water Resources Development Act of 2000 (114 Stat. 2601), the Secretary shall implement alternatives BS-3 and NF-7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) **COST SHARING.**—Reallocation of storage and installation of facilities under this subsection shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)(1)).

(3) **OFFSET.**—In carrying out this subsection, losses to hydropower shall be offset by a reduction, not to exceed \$17,000,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(b) **FISH HATCHERY.**—In operating the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to hydropower shall be offset by a reduction, not to exceed \$2,200,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(c) **REPEAL.**—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is repealed.

**SEC. 5040. 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. 5041. 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. 5042. DANA POINT HARBOR, CALIFORNIA.**

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

**SEC. 5043. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

Section 219(f)(22) of the Water Resources Development Act of 1992 (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, 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 (ii) the cost of 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 in-kind services and materials.”; 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. 5044. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106-554; 114 Stat. 2763A-224) is amended—

(1) by striking “\$25,000,000” and inserting “\$28,000,000”; and

(2) by striking “\$7,000,000” and inserting “\$10,000,000”.

**SEC. 5045. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall review the Kings River Fisheries Management Program Framework Agreement, dated May 29, 1999, among the California Department of Fish and Game, the Kings River Water Association, and the Kings River Conservation District and, if the Secretary determines that the management program is feasible, the Secretary may participate in the management program.

(b) PROHIBITION.—Nothing in this section authorizes any project for the raising of, or the construction of, a multilevel intake structure at Pine Flat Dam, California.

(c) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the Report of the Chief of Engineers, Pine Flat Dam

and Reservoir, Fresno County, California, dated July 19, 2002.

(d) 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 the work is integral to the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to \$20,000,000 to carry out this section.

**SEC. 5046. 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. 5047. SAN FRANCISCO, CALIFORNIA.**

(a) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 35, 36, and 80 in San Francisco, California, substantially in accordance with the Port’s redevelopment plan.

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated \$20,000,000 to carry out this subsection.

**SEC. 5048. 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 northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet distant from the existing southern boundary of Pier 40 produced to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30-32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30-32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; 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 sub-

section (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. 5049. SANTA VENETIA, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1958 (33 U.S.C. 701s), Santa Venetia, California, if the Secretary determines that the project is feasible.

(b) PROJECT FINANCING.—In carrying out 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 Secretary’s evaluation indicates that applying such section is necessary to implement the project.

**SEC. 5050. 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 one or more of the 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. 5051. VICTOR V. VEYSEY DAM, CALIFORNIA.**

(a) DESIGNATION.—The Prado Dam, authorized by the Flood Control Act of 1936 (49 Stat. 1570), shall be known and designated as the “Victor V. Veysey Dam”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in subsection (a) shall be deemed to be a reference to the “Victor V. Veysey Dam”.

**SEC. 5052. WHITTIER, CALIFORNIA.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) in the vicinity of Whittier, California, if the Secretary determines that the project is feasible.

**SEC. 5053. CHARLES HERVEY TOWNSEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.**

(a) DESIGNATION.—The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section

of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the breakwater referred to in subsection (a) shall be deemed to be a reference to the "Charles Hervey Townshend Breakwater".

**SEC. 5054. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

The Secretary may carry out the removal of the debris associated with the steamship "STATE OF PENNSYLVANIA" and other derelict vessels from the Christina River, Delaware, under section 202 of the Water Resources Development Act of 1976 (90 Stat. 2945).

**SEC. 5055. ANACOSTIA RIVER, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.**

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the Governor of Virginia, the County Executives of Montgomery County and Prince George's County, Maryland, and other interested persons, shall develop a 10-year comprehensive action plan for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—Upon completion of the plan, the Secretary shall make the plan available to the public.

**SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109(e)(2) 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. 5057. 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. 5058. LAKE LANIER, GEORGIA.**

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of \$5,300,000.

**SEC. 5059. 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. 5060. 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 non-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 deg-

radation 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) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) Cairo, Illinois Mainline Levee, Cairo, Illinois.

(5) Goose Pond Pump Station, Cairo, Illinois.

(6) Cottonwood Slough Pump Station, Alexander County, Illinois.

(7) 10th and 28th Street Pump Stations, Cairo, Illinois.

(8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

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

(1) \$15,000,000 to carry out the projects described in paragraphs (1) through (7) of subsection (d); and

(2) \$15,000,000 to carry out the projects described in subsection (d)(8).

Such sums shall remain available until expended.

**SEC. 5061. 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. 5062. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.**

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal

Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) **FORMS OF ASSISTANCE.**—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) **FEDERAL SHARE.**—The Federal share of the cost of the project shall be 50 percent.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,000,000.

**SEC. 5063. 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. 5064. 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”.

(c) **NONPROFIT ENTITIES AND MONITORING.**—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

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

“(i) **MONITORING.**—The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.”.

**SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.**

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reevaluate the feasibility of reconstructing the Promontory Point section consistent with the original limestone step design.

**SEC. 5066. BURNS WATERWAY HARBOR, INDIANA.**

The Secretary shall conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, to determine if the shoaling is the result of a Federal navigation project, and, if the Secretary determines that the shoaling is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the shoaling under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).

**SEC. 5067. CALUMET REGION, INDIANA.**

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking “\$30,000,000” and inserting the following:

“(A) **IN GENERAL.**—\$30,000,000”;

(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 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).

**SEC. 5068. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

(a) **IN GENERAL.**—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) **REQUIREMENTS.**—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) **PARTICIPATION OF FEMA.**—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) **FORMS OF ASSISTANCE.**—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) **FEDERAL SHARE.**—The Federal share of the cost of the project shall be 50 percent.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**SEC. 5069. 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. 5070. CUMBERLAND RIVER BASIN, KENTUCKY.**

At reservoirs managed by the Secretary above Cumberland River mile 385.5 within the Cumberland River basin, Kentucky, the Secretary shall charge fees associated with storage and maintenance of water supply that do not exceed the fees in effect on October 1, 2002.

**SEC. 5071. LOUISVILLE, KENTUCKY.**

(a) **IN GENERAL.**—Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended—

(1) in the section heading by inserting “Kentucky and” before “northern west virginia”; and

(2) by adding at the end the following:

“(4) **LOUISVILLE, KENTUCKY.**—Report of the Corps of Engineers entitled ‘Louisville Water-

front Park, Phase II, Kentucky, Master Plan’, dated July 22, 2002, at a total cost of \$32,000,000, with an estimated Federal cost of \$16,000,000 and an estimated non-Federal cost of \$16,000,000.”.

(b) **CONFORMING AMENDMENT.**—In the table of contents contained in section 1(b) of such Act strike the item relating to section 557 and insert the following:

“Sec. 557. Kentucky and Northern West Virginia.”.

**SEC. 5072. 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. 5073. NORTH FORK, KENTUCKY RIVER, BREATHTHIT 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. 5074. PADUCAH, KENTUCKY.**

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project at a total cost of \$3,000,000.

**SEC. 5075. SOUTHERN AND EASTERN KENTUCKY.**

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 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 may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5076. WINCHESTER, KENTUCKY.**

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended by adding at the end the following:

“(41) **WINCHESTER, KENTUCKY.**—Wastewater infrastructure, Winchester, Kentucky.”.

**SEC. 5077. 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. 5078. CALCASIEU SHIP CHANNEL, LOUISIANA.**

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

**SEC. 5079. CROSS LAKE, SHREVEPORT, LOUISIANA.**

The Secretary may accept from the Department of the Air Force, and may use, not to exceed \$4,500,000 to assist the city of Shreveport, Louisiana, with its plan to construct a water intake facility.

**SEC. 5080. 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. 5081. CHARLESTOWN, MARYLAND.**

(a) *IN GENERAL.*—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) *LAND ACQUISITION.*—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) *JUSTIFICATION.*—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) *USE OF ACQUIRED PROPERTY.*—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) *ABILITY TO PAY.*—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$2,000,000 to carry out this section.

**SEC. 5082. DELMARVA CONSERVATION CORRIDOR, MARYLAND AND DELAWARE.**

(a) *ASSISTANCE.*—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) *COORDINATION AND INTEGRATION.*—In carrying out water resources projects in Maryland and Delaware on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

**SEC. 5083. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.**

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State, and is authorized to accept funds from the State to carry out such activities.

**SEC. 5084. ONTONAGON HARBOR, MICHIGAN.**

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176, 100 Stat. 4213, 110 Stat. 3730), 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. 5085. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

(a) *ECOSYSTEM RESTORATION.*—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.

(b) *PLAN.*—Section 426(d) of the Water Resources Development Act of 1999 (113 Stat. 326) is amended by striking “\$400,000” and inserting “\$475,000”.

**SEC. 5086. CROOKSTON, MINNESOTA.**

The Secretary shall conduct a study for a project for emergency streambank protection

along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary 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.

**SEC. 5087. 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 “TOWNSHIP AND CROW WING AND MILLE LACS COUNTIES”;

(2) by striking “\$11,000,000” and inserting “\$17,000,000”;

(3) by inserting “, Crow Wing County, Mille Lacs County,” after “Garrison”; and

(4) 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 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. 5088. MINNEAPOLIS, MINNESOTA.**

(a) *CONVEYANCE.*—The Secretary shall convey to the city of Minneapolis by quitclaim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

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

**SEC. 5089. 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), 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. 5090. 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 in-kind services and materials.

**SEC. 5091. 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. 5092. ST. LOUIS, MISSOURI.**

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended by striking “\$15,000,000” and inserting “\$35,000,000”.

**SEC. 5093. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

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), Acid Brook, Pompton Lakes, New Jersey, if the Secretary determines that the project is feasible.

**SEC. 5094. 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 Meadows 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 the non-Federal share 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. 5095. CENTRAL NEW MEXICO, NEW MEXICO.**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

(b) *CORPS OF ENGINEERS EXPENSES.*—Section 593 of such Act (113 Stat. 381) is amended 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.”

**SEC. 5096. 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 adding 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 2004, and \$7,500,000 for fiscal years beginning after September 30, 2004.”.

(d) TSUNAMI WARNING SYSTEM.—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

“(d) TSUNAMI WARNING SYSTEM.—There is authorized to be appropriated \$800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.”.

**SEC. 5097. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

**SEC. 5098. 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 ecosystem 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. 5099. HUDSON RIVER, NEW YORK.**

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5100. MOUNT MORRIS DAM, NEW YORK.**

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

**SEC. 5101. ONONDAGA LAKE, NEW YORK.**

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) 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 interest may include a nonprofit entity, with the consent of the affected local government.”.

**SEC. 5102. 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. 5103. 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. 5104. W. KERR SCOTT DAM AND RESERVOIR, NORTH CAROLINA.**

The Secretary shall remove debris from the joint intake at the W. Kerr Scott Dam and Reservoir, North Carolina.

**SEC. 5105. OHIO.**

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended—

(1) in subsection (b) by striking “design and construction” and inserting “planning, design, and construction”;

(2) in subsection (g) by striking “\$60,000,000” and inserting “\$100,000,000”; and

(3) by adding at the end the following:

“(h) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(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. 5106. TOUSSAINT RIVER, OHIO.**

(a) IN GENERAL.—The project for navigation, Toussaint River, Carroll Township, Ohio, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to authorize the Secretary to enter into an agreement with the non-Federal interest under which the Secretary may—

(1) acquire, and transfer to the non-Federal interest, a dredge and associated equipment with the capacity to perform operation and maintenance of the project; and

(2) provide the non-Federal interest with a lump-sum payment to cover all future costs of operation and maintenance of the project.

(b) AGREEMENT.—The Secretary may carry out subsection (a)(1) by entering into an agreement with the non-Federal interest under which the non-Federal interest may acquire the dredge and associated equipment directly and be reimbursed by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,800,000 to carry out this section. Of such funds, \$500,000 may be used to carry out subsection (a)(1).

(d) RELEASE.—Upon the acquisition and transfer of a dredge and associated equipment under subsection (a)(1), and the payment of funds under subsection (a)(2), all future Federal responsibility for operation and maintenance of the project is extinguished.

**SEC. 5107. 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, the Secretary shall carry out the restoration.

(b) CONSIDERATION OF NONECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic 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. 5108. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.**

(a) IN GENERAL.—The Secretary shall pay not more than \$2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of—

(1) the multipurpose project at 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

(2) 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. 5109. 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 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) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(e) 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. 5110. ALLEGHENY COUNTY, PENNSYLVANIA.**

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking “\$20,000,000” and inserting the following:

“(A) IN GENERAL.—\$20,000,000”;

(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 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

(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. 5111. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.**

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine



its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated \$500,000 to carry out this section.

**SEC. 5112. 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. 5113. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) **STUDY AND STRATEGY DEVELOPMENT.**—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting “and carry out” after “develop”; and (2) in paragraph (2) by striking “\$10,000,000.” and inserting “\$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.”.

(b) **COOPERATIVE AGREEMENTS.**—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking “COOPERATION” and inserting “COOPERATIVE”; and (2) in the first sentence—

(A) by striking “and carrying out” after “developing”; and

(B) by striking “cooperation” and inserting “cost-sharing and cooperative”.

(c) **IMPLEMENTATION OF STRATEGY.**—Section 567(d) of such Act (114 Stat. 2663) is amended—

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

“(1) **IN GENERAL.**—The Secretary”;

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking “implement” and inserting “carry out”; and

(B) by striking “implementing” and inserting “carrying out”;

(3) by adding at the end the following:

“(2) **PRIORITY PROJECT.**—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation.”; and

(4) 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 (3) of this subsection).

(d) **CREDIT.**—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

“(e) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

“(1) 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

“(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.”.

**SEC. 5114. 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, the Secretary 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. 5115. 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. 5116. 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. 5117. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.**

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, 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.

**SEC. 5118. 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 County, 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. 5119. 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 River and Harbor 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. 5120. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.**

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and coordinating the protection of groundwater supply and groundwater quality with local surface water protection programs. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5121. BOSQUE RIVER WATERSHED, TEXAS.**

(a) **COMPREHENSIVE PLAN.**—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) **SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS AND OTHER ENTITIES.**—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of public non-profit institutions and such other entities as the Secretary considers appropriate.

(c) **NON-FEDERAL SHARE.**—

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

(2) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures constructed with assistance provided under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) **OPERATION AND MAINTENANCE.**—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

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

**SEC. 5122. DALLAS FLOODWAY, DALLAS, TEXAS.**

(a) **IN GENERAL.**—The Secretary shall review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project for flood damage reduction and other purposes, Dallas Floodway, Dallas, Texas, and, if the Secretary determines that the project is technically sound and environmentally acceptable, shall carry out the project at a total cost of \$194,000,000, with an estimated Federal cost of \$126,100,000 and an estimated non-Federal cost of \$67,900,000.

(b) **CREDIT.**—

(1) **IN-KIND CONTRIBUTIONS.**—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 the work is integral to the project.

(2) **CASH CONTRIBUTIONS.**—The Secretary shall accept funds provided by the non-Federal interests for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of project costs.

**SEC. 5123. HARRIS COUNTY, TEXAS.**

(a) **IN GENERAL.**—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”.

(b) **SPECIFIC PROJECTS.**—Section 575(b) of such Act (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking “and” at the end;

(2) in paragraph (4) by striking the period at the end and inserting “; and”; and

(3) by adding the following:

“(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).”.

**SEC. 5124. 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 in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project 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. 5125. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

**SEC. 5126. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking “\$20,000,000 for water supply and wastewater infrastructure” and inserting the following:

“(A) IN GENERAL.—\$20,000,000 for water supply, wastewater infrastructure, and environmental restoration”;

(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 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

(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. 5127. JAMES RIVER, VIRGINIA.**

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

**SEC. 5128. 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. 5129. 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. 5130. 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. 5131. WILLAPA BAY, WASHINGTON.**

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking “may construct” and inserting “shall construct”; and

(2) by inserting “and ecosystem restoration” after “erosion protection” each place it appears.

**SEC. 5132. 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”; and

(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. 5133. 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) PRIORITY COMMUNITIES.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

“(7) Etna, Pennsylvania, in the Pine Creek watershed; and

“(8) Millvale, Pennsylvania, in the Girty’s Run River basin.”.

(c) 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. 5134. 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. 5135. 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. 5136. 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 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. 5137. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.**

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

**SEC. 5138. 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 Airport (Holman Field), St. Paul, Minnesota.

“(12) **THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.**—The project for flood control, Chicago Underflow Plan, Thornton Reservoir, Cook County, Illinois.

“(13) **LAROSE TO GOLDEN MEADOW, LOUISIANA.**—The project for flood control, Larose to Golden Meadow, Louisiana.

“(14) **PERRIS, CALIFORNIA.**—The project for flood control, Perris, California.”.

**SEC. 5139. 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.

**TITLE VI—FLORIDA EVERGLADES**

**SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.**

(a) **MODIFICATION.**—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of \$39,200,000.

(b) **TREATMENT.**—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: “The project for aquifer storage and recovery, 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, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.”; and

(2) in clause (iii) by inserting after “subparagraph (B)” the following: “and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer”.

**SEC. 6002. PILOT PROJECTS.**

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “\$69,000,000” and inserting “\$71,200,000”; and

(B) by striking “\$34,500,000” each place it appears and inserting “\$35,600,000”; and

(2) in clause (i)—

(A) by striking “\$6,000,000” and inserting “\$8,200,000”; and

(B) by striking “\$3,000,000” each place it appears and inserting “\$4,100,000”.

**SEC. 6003. MAXIMUM COST OF PROJECTS.**

Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting “and section (d)” before the period at the end.

**SEC. 6004. PROJECT AUTHORIZATION.**

Section 601(d) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

“(3) **PROJECT AUTHORIZATION.**—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

“(A) **INDIAN RIVER LAGOON SOUTH, FLORIDA.**—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of \$1,210,608,000, with an estimated Federal cost of \$605,304,000 and an estimated non-Federal cost of \$605,304,000.”.

**SEC. 6005. CREDIT.**

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking “or” at the end of subclause (I);

(B) by adding “or” at the end of subclause (II); and

(C) by adding at the end the following:

“(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;”;

(2) in clause (ii)—

(A) by striking “design agreement or the project cooperation”; and

(B) by inserting before the semicolon the following: “, including in the case of credit provided under clause (i)(III) conditions relating to design and construction”.

**SEC. 6006. OUTREACH AND ASSISTANCE.**

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) 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, 2004, to carry out this subsection.”.

**SEC. 6007. 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. 6008. DEAUTHORIZATIONS.**

As of the date of enactment of this Act, the following projects are not authorized:

(1) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C-44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan.

(2) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), Martin County, Florida modifications to the Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session.

(3) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), East Coast Backpumping, St. Lucie—Martin County, Spillway Structure S-311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session.

**SEC. 6009. MODIFIED WATER DELIVERY.**

(a) **TAMIAMI TRAIL.**—The Secretary shall not carry out a project for raising Tamiami Trail, Florida, until such date as the project is specifically authorized by law.

(b) **REPORTS.**—The Secretary shall submit to Congress reports recommending specific authorizations in law for—

(1) changes to the project to improve water deliveries to Everglades National Park, authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), if necessary;

(2) a project to raise Tamiami Trail, Florida, if necessary; and

(3) a combined structural and operational plan for the C-111 Canal Project, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740), and further modified by section 316 of the Water Resources Development Act of 1996 (110 Stat. 3715), and the project to improve water deliveries to Everglades National Park.

**TITLE VII—LOUISIANA COASTAL AREA**

**SEC. 7001. DEFINITIONS.**

In this title, 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 and the Pearl River on the east, including those parts of the Deltaic Plain and the Chenier Plain included within the study area of the Plan.

(2) **GOVERNOR.**—The term “Governor” means the Governor of the State of Louisiana.

(3) **PLAN.**—The term “Plan” means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) **TASK FORCE.**—The term “Task Force” means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

**SEC. 7002. ADDITIONAL REPORTS.**

(a) **MISSISSIPPI RIVER GULF OUTLET.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet to address navigation, salt water intrusion, channel bank erosion, mitigation, and threats to life and property.

(b) **CHENIER PLAIN.**—Not later than July 1, 2006, the Secretary shall submit to Congress a report recommending near-term ecosystem restoration measures for the Chenier Plain, Louisiana.

(c) **LONG-TERM PLAN.**—

(1) **COMPREHENSIVE FRAMEWORK.**—Not later than one year after the date of enactment of this section, the Secretary shall submit to Congress a recommended framework for developing a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including Barataria-Terrebonne Estuary), barrier islands, and related land and features that protect critical resources, habitat, and infrastructure in the coastal Louisiana ecosystem from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) **CONSIDERATION.**—In developing the recommended framework, the Secretary shall consider integrating other Federal or State projects

or activities within the coastal Louisiana ecosystem within the long-term restoration program.

**(3) COMPREHENSIVE PLAN.—**

(A) **DEADLINE.**—Not later than five years after the date of enactment of this Act, the Secretary shall submit to Congress a feasibility study recommending a comprehensive, long-term, plan for the protection, conservation, and restoration of the coastal Louisiana ecosystem.

(B) **INTEGRATION.**—The comprehensive, long-term, plan shall include recommendations for the integration of ongoing Federal and State projects, programs, and activities.

**SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.**

(a) **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):

- (1) The Secretary.
- (2) The Secretary of the Interior.
- (3) The Secretary of Commerce.
- (4) The Administrator of the Environmental Protection Agency.
- (5) The Secretary of Agriculture.
- (6) The Secretary of Transportation.
- (7) The Secretary of Energy.
- (8) The Director of the Federal Emergency Management Agency.
- (9) The Commandant of the Coast Guard.
- (10) The Coastal Advisor to the Governor.
- (11) The Secretary of the Louisiana Department of Natural Resources.

(12) A representative of the Louisiana Governor's Advisory Commission on Coastal Restoration and Conservation.

(b) **DUTIES OF TASK FORCE.**—The Task Force shall—

(1) make recommendations to the Secretary regarding policies, strategies, plans, programs, projects, and activities for addressing protection, conservation, and restoration of the coastal Louisiana ecosystem;

(2) prepare financial plans for each of the agencies represented on the Task Force for funds proposed for the protection, conservation, and restoration of the coastal Louisiana ecosystem under authorities of each agency, including—

(A) recommendations that identify funds from current agency missions and budgets; and  
(B) recommendations for coordinating individual agency budget requests; and

(3) submit to Congress a biennial report that summarizes the activities of the Task Force and progress towards the purposes set forth in section 7002(c)(1).

(c) **PROCEDURES AND ADVICE.**—The Task Force shall—

(1) implement procedures to facilitate public participation with regard to Task Force activities, including—

- (A) providing advance notice of meetings;
- (B) providing adequate opportunity for public input and comment;
- (C) maintaining appropriate records; and
- (D) making a record of proceedings available for public inspection; and

(2) establish such working groups as are necessary to assist the Task Force in carrying out its duties.

(d) **COMPENSATION.**—Members of the Task Force or any associated working group may not receive compensation for their services as members of the Task Force or working group.

(e) **TRAVEL EXPENSES.**—Travel expenses incurred by members of the Task Force, or members of an associated working group, in the performance of their service on the Task Force or working group shall be paid by the agency or entity that the member represents.

(f) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—The Task Force and any working group established by the Task Force shall not be

considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. 7004. INVESTIGATIONS.**

(a) **IN GENERAL.**—The Secretary shall conduct feasibility studies for future authorization and large-scale studies substantially in accordance with the Plan at a total cost \$130,000,000.

(b) **EXISTING FEDERALLY AUTHORIZED WATER RESOURCES PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall review existing federally authorized water resources projects in the coastal Louisiana ecosystem in order to determine their consistency with the purposes of this section and whether the projects have the potential to contribute to ecosystem restoration through revised operations or modified project features.

(2) **FUNDING.**—There is authorized to be appropriated \$10,000,000 to carry out this subsection.

**SEC. 7005. CONSTRUCTION.**

(a) **COASTAL LOUISIANA ECOSYSTEM PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall carry out a coastal Louisiana ecosystem program substantially in accordance with the Plan, at a total cost of \$50,000,000.

(2) **OBJECTIVES.**—The objectives of the program shall be to—

(A) identify uncertainties about the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem;

(B) improve the State of knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem; and

(C) identify and develop technologies, models, and methods that could be useful in carrying out the purposes of this title.

(3) **WORKING GROUPS.**—The Secretary may establish such working groups as are necessary to assist in carrying out this subsection.

(4) **PROCEDURES AND ADVICE.**—In carrying out this subsection, the Secretary is authorized to enter into contracts and cooperative agreements with scientific and engineering experts in the restoration of aquatic and marine ecosystems, including a consortium of academic institutions in Louisiana and Mississippi for coastal restoration and enhancement through science and technology.

(b) **DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Secretary may carry out projects substantially in accordance with the Plan for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan to be developed under section 7002(c)(3).

(2) **MAXIMUM COST.**—

(A) **TOTAL COST.**—The total cost for planning, design, and construction of all demonstration projects under this subsection shall not exceed \$100,000,000.

(B) **INDIVIDUAL PROJECT.**—The total cost of an individual demonstration project under this subsection shall not exceed \$25,000,000.

(c) **INITIAL PROJECTS.**—The Secretary is authorized to carry out the following projects substantially in accordance with the Plan:

(1) Mississippi River Gulf Outlet Environmental Restoration at a total cost of \$105,300,000.

(2) Small Diversion at Hope Canal at a total cost of \$68,600,000.

(3) Barataria Basin Barrier Shoreline Restoration at a total cost of \$242,600,000.

(4) Small Bayou Lafourche Reintroduction at a total cost of \$133,500,000.

(5) Medium Diversion at Myrtle Grove with Dedicated Dredging at a total cost of \$278,300,000.

(d) **BENEFICIAL USE OF DREDGED MATERIAL.**—The Secretary, substantially in accordance with the Plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial

use of material dredged from federally maintained waterways at a total cost of \$100,000,000.

**SEC. 7006. NON-FEDERAL COST SHARE.**

(a) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest before the date of the partnership agreement for the study or project, as the case may be, if the Secretary determines that the work is integral to the study or project, as the case may be.

(b) **TREATMENT OF CREDIT BETWEEN PROJECTS.**—Any credit provided under this section toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 may be applied toward the non-Federal share of the cost of any other study authorized by section 7004 or any other project authorized by section 7005, as the case may be.

(c) **PERIODIC MONITORING.**—

(1) **IN GENERAL.**—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005, during each 5-year period beginning after the date of commencement of the first study under section 7004 or construction of the first project under section 7005, as the case may be, the Secretary shall—

(A) monitor the non-Federal provision for each study authorized by section 7004 or each project authorized by section 7005, as the case may be, of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage, to the extent practicable, the requirement of the non-Federal interest to provide for each such project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) **OTHER MONITORING.**—The Secretary shall conduct monitoring separately for the study phase, construction phase, the preconstruction engineering and design phase, and the planning phase for each project authorized on or after date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(d) **AUDITS.**—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

**SEC. 7007. PROJECT JUSTIFICATION.**

(a) **IN GENERAL.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any project or activity authorized by or under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity is required if the Secretary determines that the project or activity is cost effective.

(b) **LIMITATION ON APPLICABILITY.**—Subsection (a) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the protection, conservation, and restoration of the coastal Louisiana ecosystem.

**SEC. 7008. STATUTORY CONSTRUCTION.**

(a) **EXISTING AUTHORITY.**—Except as otherwise provided in this title, nothing in this title affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection, conservation, and restoration projects and activities in the coastal Louisiana ecosystem, including projects and activities referred to in subsection (a) of—

- (1) the Department of the Army;

(2) the Department of the Interior;  
 (3) the Department of Commerce;  
 (4) the Environmental Protection Agency;  
 (5) the Department of Agriculture;  
 (6) the Department of Transportation;  
 (7) the Department of Energy;  
 (8) the Federal Emergency Management Agency;

(9) the Coast Guard; and  
 (10) the State of Louisiana.

(b) **NEW AUTHORITY.**—Nothing in this title confers any new regulatory authority on any Federal or non-Federal entity that carries out any project or activity authorized by or under this title.

#### **TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM**

##### **SEC. 8001. DEFINITIONS.**

In this title, the following definitions apply:

(1) **PLAN.**—The term “Plan” means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) **UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.**—The term “Upper Mississippi River and Illinois Waterway System” means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O’Brien Lock in Chicago, Illinois, River Mile 327.0.

##### **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.**

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System substantially in accordance with the Plan and subject to the conditions described therein.

##### **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.**

(a) **SMALL SCALE AND NONSTRUCTURAL MEASURES.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—The total cost of projects authorized under this subsection shall be \$235,000,000. Such costs shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(b) **NEW LOCKS.**—

(1) **IN GENERAL.**—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—The total cost of projects authorized under this subsection shall be \$1,795,000,000. Such costs shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(c) **CONCURRENCE.**—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

##### **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

(a) **OPERATION.**—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) **ECOSYSTEM RESTORATION PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) **PROJECTS INCLUDED.**—Ecosystem restoration projects may include—

(A) island building;  
 (B) construction of fish passages;  
 (C) floodplain restoration;  
 (D) water level management (including water drawdown);

(E) backwater restoration;  
 (F) side channel restoration;  
 (G) wing dam and dike restoration and modification;

(H) island and shoreline protection;

(I) topographical diversity;

(J) dam point control;

(K) use of dredged material for environmental purposes;

(L) tributary confluence restoration;

(M) spillway, dam, and levee modification; and

(N) land and easement acquisition.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) **EXCEPTION FOR CERTAIN RESTORATION PROJECTS.**—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(i) is located below the ordinary high water mark or in a connected backwater;

(ii) modifies the operation of structures for navigation; or

(iii) is located on federally owned land.

(C) **SAVINGS CLAUSE.**—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

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

(4) **LAND ACQUISITION.**—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or

(B) a flood plain conservation easement.

(c) **ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.**—

(1) **RESTORATION DESIGN.**—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) **OUTCOMES.**—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such

as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(3) **RESTORATION DESIGN.**—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—

(A) a timeline to achieve the identified target goals; and

(B) a timeline for the demonstration of project completion.

(d) **SPECIFIC PROJECTS AUTHORIZATION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this subsection \$1,580,000,000, of which not more than \$226,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than \$43,000,000 shall be available for projects described in subsection (b)(2)(J).

(2) **LIMITATION ON AVAILABLE FUNDS.**—Of the amounts made available under paragraph (1), not more than \$35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) **INDIVIDUAL PROJECT LIMIT.**—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed \$25,000,000.

(e) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than June 30, 2007, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and  
 (B) measures the progress in meeting the goals.

(2) **ADVISORY PANEL.**—

(A) **IN GENERAL.**—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) **PANEL MEMBERS.**—Panel members shall include—

(i) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(ii) 1 representative of the Department of Agriculture;

(iii) 1 representative of the Department of Transportation;

(iv) 1 representative of the United States Geological Survey;

(v) 1 representative of the United States Fish and Wildlife Service;

(vi) 1 representative of the Environmental Protection Agency;

(vii) 1 representative of affected landowners;

(viii) 2 representatives of conservation and environmental advocacy groups; and

(ix) 2 representatives of agriculture and industry advocacy groups.

(C) **CHAIRPERSON.**—The Secretary shall serve as chairperson of the advisory panel.

(D) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(f) **RANKING SYSTEM.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) **PRIORITY.**—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

##### **SEC. 8005. COMPARABLE PROGRESS.**

(a) **IN GENERAL.**—As the Secretary conducts pre-engineering, design, and construction for

projects authorized under this title, the Secretary shall—

(1) select appropriate milestones; and  
(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(b) **NO COMPARABLE RATE.**—If the Secretary determines under subsection (a)(2) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-160. 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.

It is now in order to consider amendment No. 1 printed in House Report 109-160.

AMENDMENT NO. 1 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DUNCAN:

Page 11, line 7, insert “(a) PROJECTS WITH CHIEF’S REPORT.” before “Except as”.

Page 12, line 16, strike “SHLY” and insert “SHLY”.

Page 12, line 18, strike “Shily” and insert “Shly”.

Page 21, after line 21, 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, 2005:

(1) **DES MOINES/RACCOON RIVERS, IOWA.**—The project for flood damage reduction, Des Moines/Raccoon Rivers, Iowa, at a total cost of \$10,000,000, with an estimated Federal cost of \$6,500,000 and an estimated non-Federal cost of \$3,500,000.

(2) **PORT OF IBERIA, LOUISIANA.**—The project for navigation, Port of Iberia, Louisiana, at a total cost of \$194,000,000, with an estimated Federal cost of \$123,000,000 and an estimated non-Federal cost of \$71,000,000.

(3) **RARITAN AND SANDY HOOK BAYS, UNION BEACH, NEW JERSEY.**—The project for hurricane and storm damage reduction, Raritan and Sandy Hook Bays, Union Beach, New Jersey, at a total cost of \$99,095,000, with an estimated Federal cost of \$64,412,000 and an estimated non-Federal cost of \$34,683,000.

(4) **HOCKING RIVER, MONDAY CREEK SUB-BASIN, OHIO.**—The project for environmental restoration, Hocking River, Monday Creek Sub-basin, Ohio, at a total cost of \$20,000,000, with an estimated Federal cost of \$17,000,000 and an estimated non-Federal cost of \$3,000,000.

(5) **PAWLEY’S ISLAND, SOUTH CAROLINA.**—The project for hurricane and storm damage reduction, Pawley’s Island, South Carolina, at a total cost of \$8,813,000, with an estimated Federal cost of \$4,133,000 and an estimated non-Federal cost of \$4,680,000.

Page 23, strike lines 9 through 13 and redesignate subsequent paragraphs accordingly.

Page 24, after line 18, insert the following:  
(25) **DRY AND OTTER CREEKS, CORTLAND, NEW YORK.**—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

Page 27, line 8, strike “(a)(21)” and insert “(a)(19)”.

Page 27, line 19, strike “(a)(18)” and insert “(a)(16)”.

Page 28, line 1, strike “(a)(35)” and insert “(a)(34)”.

Page 29, after line 17, insert the following:  
(10) **DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.**—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

Page 29, after line 24, insert the following:  
(12) **OWEGO CREEK, TIOGA COUNTY, NEW YORK.**—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

Page 40, line 1, after the second comma, insert “Shore Parkway Greenway.”.

Page 83, strike line 20 and all that follows through line 18 on page 85 and insert the following:

(a) **DETERMINATION OF CERTAIN NATIONAL BENEFITS.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that, consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Secretary may select a water resources project alternative that does not maximize net national economic development benefits or net national ecosystem restoration benefits if there is an overriding reason based on other Federal, State, local, or international concerns.

(2) **FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**—With respect to a water resources project the primary purpose of which is flood damage reduction, navigation, or hurricane and storm damage reduction, an overriding reason for selecting a plan other than the plan that maximizes net 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.

(3) **ECOSYSTEM RESTORATION PROJECTS.**—With respect to a water resources project the primary purpose of which is ecosystem restoration, an overriding reason for selecting a plan other than the plan that maximizes net 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 economic development benefits.

Page 110, after line 20, insert the following:  
**SECTION 2041. 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;

(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 Commu-

nity 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; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) \$5,000,000, to carry out subsection (a)(2) \$5,000,000, and to carry out subsection (a)(3) \$5,000,000. Such sums shall remain available until expended.

Page 110, after line 22, insert the following (and redesignate subsequent sections accordingly):

**SEC. 3001. COOK INLET, ALASKA.**

Section 118(a)(2) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended—

(1) by inserting “maximum navigational” before “draft”;

(2) by striking “greater than”;

(3) by inserting “or greater” after “35 feet”.

Page 125, after line 23, insert the following (and redesignate subsequent sections accordingly):

**SEC. 3032. SOUTH PLATTE RIVER BASIN, COLORADO.**

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking “agriculture,” and inserting “agriculture, environmental restoration.”.

Page 130, line 17, strike “costs it” and insert “the Federal share of the costs the non-Federal interest”.

Page 130, line 18, after “project” insert “(including environmental mitigation costs and costs incurred for incomplete usable increments of the project)”.

Page 134, strike lines 10 through 22 and insert the following:

**SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.**

(a) **IN GENERAL.**—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) **TERMS OF PARTNERSHIP AGREEMENT.**—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

Page 134, line 23, strike “(b)” and insert “(c)”.

Page 159, strike section 3093 and insert the following:

**SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “maximum Federal cost of \$5,200,000” and inserting “total cost of \$20,000,000”.

Page 190, after line 8, insert the following (and redesignate subsequent subsections accordingly):

(C) CALCASIEU SHIP CHANNEL, LOUISIANA.—

(1) IN GENERAL.—At such time as Pujo Heirs and Westland Corporation conveys all right, title, and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—An equivalent area to the real property described in subparagraph (B). The parcels that may be exchanged include Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E-3, Tract 140E, or some combination thereof.

(B) FEDERAL LAND.—An area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E-2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and known as Corps of Engineers Dredge Material Placement Area O.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation shall be by quitclaim deed.

(B) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 1 year after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (1), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

Page 201, after line 24, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 4005. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan (1997-1999)), with a view to determining whether any modifications or recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

Page 213, lines 11 and 12, strike “services, materials, supplies, or other in-kind contributions” and insert “in-kind services and materials”.

Page 221, after line 20, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 4073. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

Page 233, after line 4, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 4105. JOHNSON CREEK, ARLINGTON, TEXAS.

(A) REEVALUATION OF ENVIRONMENTAL RESTORATION FEATURES.—The Secretary shall reevaluate the project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), to develop alternatives to the separable environmental restoration element of the project.

(B) STUDY OF ADDITIONAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary shall conduct a study to determine the feasibility of additional flood damage reduction measures and erosion control measures within the boundaries of the project referred to in subsection (a).

(C) PLANS AND DESIGNS.—In conducting the studies referred to in subsections (a) and (b), the Secretary shall review plans and designs developed by non-Federal interests and shall use such plans and designs to the extent that the Secretary determines that such plans and designs are consistent with Federal standards.

(D) CREDIT TOWARD FEDERAL SHARE.—If an alternative environmental restoration element is authorized by law, the Secretary shall credit toward the Federal share of the cost of that project the costs incurred by the Secretary to carry out the separable environmental restoration element of the project referred to in subsection (a). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(E) CREDIT TOWARD THE NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the studies under subsections (a) and (b), and the cost of any project carried out as a result of such studies the cost of work carried out by the non-Federal interest.

Page 238, strike line 9 and redesignate subsequent paragraphs accordingly.

Page 241, strike lines 4 through 10 and insert the following:

(C) FERN RIDGE DAM, OREGON.—

(1) IN GENERAL.—The Secretary shall plan, design, and complete emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon.

(2) TREATMENT.—The Secretary may treat work to be carried out under this subsection as a dam safety project, and the cost of the work may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

Page 242, line 6, strike “river mile 205 to river mile 308.4.”.

Page 243, after line 14, insert the following (and redesignate subsequent quoted paragraphs accordingly):

“(10) \$27,000,000 for the project described in subsection (c)(19);

Page 245, after line 11, insert the following (and redesignate subsequent paragraphs accordingly):

(6) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Page 249, line 19, strike “The Secretary” and insert the following:

“(1) DELAWARE RIVER.—The Secretary”.

Page 250, after line 2, insert the following:

(2) SUSQUEHANNA RIVER.—The Secretary may enter into an agreement with the Sus-

quehanna River Basin Commission to provide temporary water supply and conservation storage at Corps of Engineers facilities in the Susquehanna River Basin 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.

Page 252, after line 3, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5021. REHABILITATION.

The Secretary, at Federal expense and not to exceed \$1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

#### SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking “\$10,000,000” and inserting “\$25,000,000”; and

(2) in subsection (c)(2) by striking “\$1,000,000” and inserting “\$10,000,000”.

#### SEC. 5023. 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.

Page 253, after line 25, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5026. FIRE ISLAND, ALASKA.

(A) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a causeway between Point Campbell and Fire Island, Alaska, including the beneficial use of dredged material in the construction of the causeway.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 to carry out this section.

Page 257, strike lines 6 through 19 (and redesignate subsequent sections accordingly).

Page 262, after line 12, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5045. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

The third sentence of section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended by striking “January 1, 2003” and inserting “January 1, 2007”.

#### SEC. 5046. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after “water” the following: “and wastewater”;

(2) by striking “\$14,500,000” and inserting “\$24,500,000”.

**SEC. 5047. ONTARIO AND CHINO, CALIFORNIA.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in the vicinity of Ontario and Chino, California, if the Secretary determines that the project is feasible.

Page 263, after line 16, insert the following (and redesignate subsequent sections accordingly):

**SEC. 5046. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.**

(a) **COMPREHENSIVE PLAN.**—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) **NON-FEDERAL SHARE.**—

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

(2) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) **OPERATION AND MAINTENANCE.**—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

Page 267, after line 2, insert the following (and redesignate subsequent sections accordingly):

**SEC. 5049. SAN PABLO BAY, CALIFORNIA, 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 submit to Congress a report on the results of the study.

(b) **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.

(c) **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, and 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.

(2) **TYPES OF ASSISTANCE.**—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) **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 interest for a project undertaken under this section.

(e) **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—

(1) to pay 35 percent of the cost of construction for the project;

(2) to provide any lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary to carry out the project; and

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(f) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) 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.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$40,000,000.

Page 270, strike lines 10 through 14 and insert the following:

**SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106-554) (114 Stat. 2763A-222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

Page 270, line 25, strike the final period and insert “; and”.

Page 270, after line 25, insert the following:

(2) in subsection (f) by striking “\$100,000,000” and inserting “\$100,000,000, of which not more than \$15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida”.

Page 274, after line 17, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) to ensure aquatic integrity of sidechannels and backwaters and their connectivity with the mainstem river;

Page 275, after line 12, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

Page 275, line 22, strike “Coordinating Council” and insert “Watershed Association”.

Page 277, after line 14, add the following:

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by non-profit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

Page 280, strike lines 14 through 20 and insert the following:

**SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.**

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reconstruct the Promontory Point section consistent with the original limestone step design. Additional costs associated with such reconstruction shall be a non-Federal responsibility. The costs of reconstruction not consistent with the original limestone step design shall be a non-Federal responsibility.

**SEC. 5066. SOUTHWEST ILLINOIS.**

(a) **SOUTHWEST ILLINOIS DEFINED.**—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 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.

(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 287, after line 11, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5080. 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, 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 287, after line 12, insert the following:

(a) MODIFICATION OF STUDY.—The study for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified—

(1) to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study; and

(2) to direct the Secretary to credit toward the non-Federal share the cost of the study and the non-Federal share of the cost of any project authorized by law as a result of the study 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 study or project, as the case may be.

Page 287, line 13, before “Section” insert “(b) EXPEDITED CONSIDERATION.—”.

Page 287, lines 15 and 16, strike “Parish” and insert “, West Feliciana, and East Baton Rouge Parishes”.

Page 287, line 17, after the second comma insert “and”.

Page 287, lines 17 and 18, strike “, and interpretive center development”.

Page 306, after line 4, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5111. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking “\$1,000,000” and inserting “\$2,000,000”.

Page 309, after line 24, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5116. EAST TENNESSEE.

(a) EAST TENNESSEE DEFINED.—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, environmental restoration, 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 cost 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 cost.

(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 cost (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 cost.

(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 314, line 3, strike “\$5,000,000” and insert “\$10,000,000”.

Page 314, after line 3, insert the following (and redesignate subsequent sections accordingly):

#### SEC. 5122. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term “Dallas County region” means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(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 the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, 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 such credit may not 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 325, strike lines 22 through 25 and insert the following:

“(9) BUFFALO BAYOU, TEXAS.—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

“(10) HALLS BAYOU, TEXAS.—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).

Page 327, after line 9, insert the following:  
**SEC. 5140. 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—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

“(72) CHARLESTON, SOUTH CAROLINA.—\$20,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.”;

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

“(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.”;

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

“(77) ST. CLAIR COUNTY, ALABAMA.—\$5,000,000 for water related infrastructure, St. Clair County, Alabama.

“(78) CRAWFORD COUNTY, ARKANSAS.—\$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

“(79) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—\$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

“(80) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—\$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

“(81) 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.

“(82) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

“(83) RICHMOND, CALIFORNIA.—\$25,000,000 for a recycled water treatment facility, Richmond, California.

“(84) SANTA CLARA COUNTY, CALIFORNIA.—\$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

“(85) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

“(86) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—\$375,000 to improve water quality, and remove nonnative aquatic species from the Sweetwater Reservoir, San Diego County, California.

“(87) WHITTIER, CALIFORNIA.—\$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

“(88) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—\$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

“(89) PUEBLO AND OTERO COUNTIES, COLORADO.—\$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

“(90) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

“(91) 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.

“(92) WASHINGTON, DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

“(93) CHARLOTTE COUNTY, FLORIDA.—\$3,000,000 for water supply infrastructure, Charlotte County, Florida.

“(94) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—\$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

“(95) COLLIER COUNTY, FLORIDA.—\$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

“(96) JACKSONVILLE, FLORIDA.—\$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

“(97) NORTH VERNON AND BUTLERVILLE, INDIANA.—\$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

“(98) SALEM, WASHINGTON COUNTY, INDIANA.—\$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

“(99) CENTRAL KENTUCKY.—\$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer,

Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

“(100) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

“(101) CITY OF BILOXI, CITY OF GULFPORT, AND HARRISON COUNTY, MISSISSIPPI.—\$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

“(102) CLARK COUNTY, NEVADA.—\$30,000,000 for wastewater infrastructure, Clark County, Nevada.

“(103) HENDERSON, NEVADA.—\$5,000,000 for wastewater infrastructure, Henderson, Nevada.

“(104) PATERSON, NEW JERSEY.—\$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

“(105) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, Town of Sennett, New York.

“(106) SPRINGPORT AND FLEMING, NEW YORK.—\$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

“(107) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

“(108) RICHMOND COUNTY, NORTH CAROLINA.—\$8,000,000 for water related infrastructure, Richmond County, North Carolina.

“(109) UNION COUNTY, NORTH CAROLINA.—\$6,000,000 for wastewater infrastructure, Union County, North Carolina.

“(110) LAKE COUNTY, OHIO.—\$1,500,000 for wastewater infrastructure, Lake County, Ohio.

“(111) MENTOR-ON-LAKE, OHIO.—\$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

“(112) WILLOWICK, OHIO.—\$665,000 for water and wastewater infrastructure, Willowick, Ohio.

“(113) ALBANY, OREGON.—\$35,000,000 for wastewater infrastructure to improve water quality, Albany, Oregon.

“(114) BOROUGH OF STOCKERTON, BOROUGH OF TATAMY, AND PALMER TOWNSHIP, PENNSYLVANIA.—\$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

“(115) HATFIELD BOROUGH, PENNSYLVANIA.—\$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

“(116) LEHIGH COUNTY, PENNSYLVANIA.—\$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

“(117) NORTH WALES BOROUGH, PENNSYLVANIA.—\$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

“(118) PEN ARGYL, PENNSYLVANIA.—\$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

“(119) PHILADELPHIA, PENNSYLVANIA.—\$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

“(120) VERA CRUZ, PENNSYLVANIA.—\$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

“(121) COMMONWEALTH OF PUERTO RICO.—\$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

“(122) CROSS, SOUTH CAROLINA.—\$2,000,000 for water related environmental infrastructure, Cross, South Carolina.

“(123) MYRTLE BEACH, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

“(124) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

“(125) SURFSIDE, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

“(126) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

“(127) DUCHESNE, IRON, AND UTAH COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

“(128) MONROE, NORTH CAROLINA.—\$11,500,000 for water related infrastructure, including water supply reservoir dredging, Monroe, North Carolina.

“(129) CHARLOTTE, NORTH CAROLINA.—\$5,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

“(130) LOS ANGELES COUNTY, CALIFORNIA.—\$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

“(131) ORANGE COUNTY, CALIFORNIA.—\$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

“(132) SAN BERNADINO COUNTY, CALIFORNIA.—\$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernadino County, California.

“(133) FAYETTEVILLE, GRANVILLE, LA GRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—\$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, La Grange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

“(134) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—\$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

“(135) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—\$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including \$13,000,000 for stormwater infrastructure for Upland, California.

“(136) FT. BEND COUNTY, TEXAS.—\$20,000,000 for wastewater infrastructure, Ft. Bend County, Texas.

“(137) NEW RIVER, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

“(138) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—\$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

“(139) LAKE NACIMIENTO, CALIFORNIA.—\$25,000,000 for water supply infrastructure for the communities of Atascadero, Paso Robles, Templeton, and San Luis Obispo, San Luis Obispo County, California.

“(140) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—\$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

“(141) SAIPAN, NORTHERN MARIANA ISLANDS.—\$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

“(142) STOCKTON, CALIFORNIA.—\$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

“(143) JACKSON, MISSISSIPPI.—\$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

“(144) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—\$25,000,000 for a project for water storage and water supply infrastruc-

ture on Crooked Creek, Marlboro County, South Carolina.

“(145) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

“(146) EL PASO COUNTY, TEXAS.—\$25,000,000 for water related infrastructure and resource protection and development, El Paso County, Texas.

“(147) NORTHERN WEST VIRGINIA.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzell, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.”

Page 329, line 19, strike the closing quotation marks and the final period and insert the following:

“(4) PROJECT SUBJECT TO A FINAL REPORT.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with a final report of the Chief of Engineers:

“(A) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida, at a total cost of \$349,422,000, with an estimated Federal cost of \$174,711,000 and an estimated non-Federal cost of \$174,711,000, if a favorable report of the Chief is completed not later than December 31, 2005.”

Page 355, line 6, strike “this subsection” and insert “this title”.

Conform the table of contents of the bill accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 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 informed the committee that six additional chief's reports recommending that Congress authorize a water resources project will be completed by December 31, 2005.

The amendment also directs the Corps of Engineers to carry out a number of small projects under existing corps authority to provide flood damage reduction and emergency streambank protection.

For other projects that have not been studied, the amendment authorizes for new Corps of Engineers' projects. The amendment authorizes one land transfer for a navigation project. Finally, the amendment authorizes a number of activities or programs for water resources management.

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 rules. This means not every project could be addressed, but

within these constraints we did the best to meet the needs of all communities. I urge all Members to support this amendment.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to control the time in opposition to this amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume, and I rise to support the amendment offered by the gentleman from Tennessee (Mr. DUNCAN). This amendment is a bipartisan amendment addressing technical changes and modifications that have come to the attention of the subcommittee since the bill was considered at markup time.

The manager's amendment also contains a few new items, including the contingent authorization of five additional large-scale projects, provided that a favorable report of the chief of engineers is completed by the end of 2005.

These five projects are a project for flood damage reduction along the Des Moines and Raccoon rivers in Iowa; a project of navigation for the Port Iberia, Louisiana; a project for hurricane and storm damage reduction, Union Beach, New Jersey; a project for environmental restoration along the Hocking River, Ohio; and a project for hurricane and storm damage reduction in Pawley's Island, South Carolina.

Among the additional new items in the manager's amendment are authorizations for small flood damage reduction and emergency streambank protection projects in New York State, the authorization of a transfer of properties in the State of Louisiana, three additional Corps of Engineers' studies, and the authorization for the corps to participate in the restoration of the San Pablo Bay watershed in California.

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

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), an outstanding member of the committee.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman for yielding me this time, and I support the underlying bill, which is of great importance to U.S. commerce. The upper Mississippi and Illinois waterway project contained in the bill is critical to U.S. agriculture.

It is my understanding that an amendment will be offered that will cripple the modernization of the lock and dam system on the Mississippi River. Due to an increase in unscheduled maintenance closures, shippers have been forced to choose other higher-priced modes of transportation for their goods, resulting in less barge traffic and more cost for producers.

The upper Mississippi and Illinois river system is critically important to grain producers across the Nation because the price of grain nationwide is largely based on the price of grain that moves on the Mississippi River to our export markets. Over 1 billion bushels of grain, which is about 60 percent of all grain exports, move to export markets each year via the Mississippi River.

According to the National Corn Growers Association, the failure to build the seven new 1,200 foot locks will result in a \$562 million loss in farm income annually by 2020. Of that amount, \$264 million will be lost to exports and \$316 million will be from lower prices and decreased domestic demand.

In addition to the economic impact on our country's farmers, shipping using waterways is one of the cheapest, safest, and most environmentally friendly ways to ship goods. The lock and dam system benefits the environment by creating backwaters and side channels that support habitat, recreation areas, and municipal water supplies. The backwaters created by the lock and dam system are estimated to support over 40 percent of the migratory waterfowl and fish breeding grounds and are home to over 500 miles of wildlife refuge.

So I certainly hope we will support the lock and dam system as part of the bill. It is a good bill, and I urge support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I rise in strong support of the manager's amendment, which I think demonstrates the work that has been done by our ranking member and our Chair and the staff to be able to work through some of these complex issues.

I especially appreciate the work to incorporate planning language that will give more flexibility to the corps' planning process and starts the conversation about updating the principles and guidelines that are so desperately in need of revision.

I would also at this time, in addition to thanking our Chair and ranking member, acknowledge the hard work of our staff, Susan Bodine and Ken Kopocis, who have been putting long hours into producing what I think is very important legislation. I appreciate their cooperation and the progress that it represents.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Chairman, I think a picture takes the place of a thousand words. This is what we get a chance to do with modernizing our lock and dams. We take one tow of 15 barges and we displace 870 tractor-trailer rigs on our Nation's highways. What this

does is use the best means of transportation to get goods like coal, rock quarry goods, corn, and soybeans from New Orleans up to Chicago, or from Chicago down to New Orleans.

Now, if you want to take that same load up there now without the locks and dams, one load takes 870 tractor-trailer trucks. That is 870 trucks that are using diesel fuel. That is 870 trucks that are clogging our highways and our roads and our bridges. That is 870 trucks actually destroying or hurting the roadways that we spend a lot of money to build.

So there are a lot of important reasons why the corrections here in this bill are so critical. If we want an environmentally sound policy, we need to support this bill.

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Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the Committee on Transportation and Infrastructure.

Mr. MURPHY. Mr. Chairman, I support the amendment under consideration. I also want to say that I am pleased to work on language that was included to authorize the Army Corps to study ways to provide additional flood relief in southwestern Pennsylvania, particularly the Chartiers Creek watershed.

Over the years, many flood control projects have been built to minimize flood damage. However, as Hurricane Frances and Ivan made so clear, existing projects are inadequate. Last year's floods caused more than \$260 million in damage in Pennsylvania, with Allegheny County the unwilling victim of most of it. Towns in my district incurred an estimated \$60 million in damage; floodwaters killed one person and damaged more than 30,000 homes and businesses.

To this day, many of my constituents in an already depressed area struggle to rebuild. Seventeen existing flood control projects have yet to be repaired or restored, and just this week, many of my local communities met to discuss leftover debris. Our towns cannot wait any longer for the projects authorized in this bill, and I encourage my colleagues to support the bill.

Mr. OBERSTAR. Mr. Chairman, I support the bipartisan managers' amendment offered on behalf of the Committee.

This amendment addresses several issues that were brought to the attention of the committee following the committee markup of a technical or clarifying nature. It also adds six new projects contingent upon the completion of a report of the Chief of Engineers by December 31, 2005. These contingent authorizations are consistent with the criteria used by the committee in developing water resources legislation over the past several Congresses.

The managers' amendment also reflects a failure of the current administration and the Congress to address the water and wastewater infrastructure needs of communities across the Nation.

The amendment includes authorization for 73 new projects totaling \$1.6 billion for water

and wastewater related infrastructure. These are the types of projects that for many years had been financed through the Construction Grants and State Revolving Loan programs of the Environmental Protection Agency, the grant and loan programs of the Rural Utilities Service of the Department of Agriculture, and other Federal financial assistance programs.

Unfortunately for communities, this administration continues to put forward budget requests that cut these vital programs, and this House continues to accede to those cuts.

Just last month, this House approved funding for EPA's State revolving loan fund grants at \$850 million. This compares to EPA funding 18 years ago of nearly \$2.4 billion. This 65 percent cut in funding, is actually 80 percent when adjusted for inflation. The needs of communities have not declined, just the willingness of the Republican majority to help them.

Where do these communities turn for help? To the Corps of Engineers, America's premier water resource agency. I know that the Corps is up to the task of addressing these pressing needs; I only hope that the administration and the Congress can find the will to adequately fund the Nation's infrastructure needs.

I urge approval of the managers' amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LATHAM). The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-160.

AMENDMENT NO. 2 OFFERED BY MR. MENENDEZ  
Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MENENDEZ:

After section 1001(b)(2) of the bill (as added by the manager's amendment), add the following (and redesignate subsequent paragraphs accordingly):

(3) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of \$32,000,000, with an estimated Federal cost of \$20,800,000 and an estimated non-Federal cost of \$11,200,000.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

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

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

Mr. MENENDEZ. Mr. Chairman, I understand this amendment is going to be accepted by the committee so I will keep my remarks brief.

This is an amendment that would authorize the Army Corps to perform environmental restoration activities at

Liberty State Park in Jersey City, New Jersey, provided a favorable report is issued by the Chief of Engineers.

Liberty State Park is one of the crown jewels of the State of New Jersey. It is an oasis in an urban setting right by the Statute of Liberty and Ellis Island, a gateway to a lot of America's history, but at the same time there are the remnants of the history of industrial use in the vast interior section of the park which is currently fenced off from the public because of residual contamination.

There is a restoration plan that would return 230 acres of the park to a state of ecological health. It is vital not only to the people of my State, but to literally tens of thousands of Americans who visit the park as a portal to the Statute of Liberty and Ellis Island.

I thank the leadership of the committee for working with me to clear up some confusion between our district corps office and headquarters, and I commend the leadership of the committee for putting this bill together. I look forward to working with the committee as we go to conference and as the bill is signed into law.

Mr. Chairman, I rise today to offer an amendment that would authorize the Army Corps to perform environmental restoration activities at Liberty State Park in Jersey City, New Jersey, provided a favorable report is issued by the Chief of Engineers. This amendment is very simple and straightforward, and I thank the leadership of the committee for working with me as we cleared up some confusion between our district Corps office and headquarters.

Liberty State Park is one of the jewels of the State of New Jersey. A reclaimed rail yard in the shadow of Ellis Island and the Statue of Liberty, the Park is rich in both history and scenic beauty. For over 60 years, the Central Railroad of New Jersey train terminal was the first stop for immigrants after passing through Ellis Island. It was from this historic terminal that they caught trains that would bring them throughout the country to begin their new lives. In more recent times and under a less joyful setting, the park hosted thousands of evacuees from Lower Manhattan on September 11, 2001.

As railroad traffic declined in the middle of the 20th Century, the area fell into disrepair. But through a tremendous amount of hard work, Liberty State Park was born, and has become an oasis in the heart of a densely packed metropolitan area, visited by over 4 million people each year. The residents of my district don't have a lot of open space to enjoy, but at Liberty State Park they have miles of walkways and bike paths, educational centers, over 100 acres of green space, and sweeping views of the Statue of Liberty and lower Manhattan.

However, the remnants of a history of industrial use remain over the vast interior section of the park, which is currently fenced off from the public because of residual contamination. The Army Corps is currently finishing the study of a restoration plan that would return over 230 acres of the park to a state of ecological health. New tidal wetlands will be created, invasive species will be removed, and the Park will become a prototype for ecological restoration in an urban environment.

Liberty State Park is just one example of why the Army Corps is getting a good reputation in my district for their environmental protection and restoration work. Their work on the Lower Passaic River, the Hudson-Raritan Estuary, at Minish Park and elsewhere has the potential to make a major difference in the quality of the land and water throughout New Jersey. This bill will help them continue and expand their environmental restoration work, and I appreciate the chairman and ranking member including so many projects that are important to my district.

This bill is also about economic growth. The ongoing deepening project in New York Harbor and Newark Bay will ensure that the world's largest container ships can continue to dock at the east coast's largest port. These ships carry far more than just products for store shelves. They bring jobs and economic growth, and help fuel an economic engine whose power is felt up and down the eastern seaboard, and deep into the nation's heartland.

There are a number of provisions in this bill that will be very helpful for the Harbor Deepening project, particularly in the handling and use of dredged material. The bill includes new financing tools for non-Federal agencies to create dredged material storage and handling facilities, and expands the allowed beneficial uses of that material to include environmental protection and restoration projects. New Jersey has thousands of sites—particularly Brownfields sites—that could benefit from this provision.

Mr. Chairman, this is a good bill, and I commend the chairman and ranking member for their work on it. I also thank them for their willingness to accept this amendment which is so important to my district, and look forward to working with them to move this bill forward through what I hope will be an imminent conference.

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

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not intend to speak in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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

Mr. Chairman, the gentleman's amendment would authorize an environmental restoration project in New Jersey contingent upon the Chief of Engineers completing a final report not later than December 31, 2005.

The chief's report is the final technical document submitted by the Corps of Engineers for a project. It describes the analysis done, the alternatives considered, and the recommended plan.

In putting this bill together, the committee included those projects that had favorable chief's reports. With passage of the manager's amendment, we have added additional projects that the corps tells us will soon have completed chief's reports. These projects are authorized contingent on there being a completed chief's report by December 31, 2005.

Although the Liberty State Park project was not on the list of nearly completed studies provided earlier by the Corps, we now understand that this report is expected to be completed by the end of this year. Therefore, I have no objection to the gentleman's amendment to include his project as a contingent authorization.

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

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

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from New Jersey, Mr. MENENDEZ to add the environmental restoration project in Liberty State Park, New Jersey to the list of projects that can proceed, contingent upon the completion of the Chief of Engineers report no later than December 31, 2005.

This is a non-controversial amendment, and would have been included in the Committee amendment had the Corps of Engineers acknowledged earlier that the report will be finished this year.

I commend the gentleman from New Jersey, Mr. MENENDEZ for his hard work and persistence to ensure that the study for this project stayed on track for completion this year. Without his efforts, we would not be able to include this authorization in this year's bill.

I support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-160.

AMENDMENT NO. 3 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. STUPAK:

Page 110, after line 20, insert the following (and conform the table of contents accordingly):

**SEC. 2041. CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.**

The Secretary shall budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in fiscal year 2004.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

Mr. Chairman, I rise to offer this important amendment along with the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Michigan (Mr. HOEKSTRA). Our amendment directs the Army Corps of Engineers to budget and request appropriations for operation and maintenance harbor dredging based upon criteria used in fiscal year 2004.

Beginning in fiscal year 2005, OMB and the Army Corps began implementing new guidelines and criteria for determining whether a harbor is eligible to be considered to be funded for dredging in the President's budget. According to the Corps, in order for a commercial harbor to be considered high use and therefore eligible to be included in the budget, it must now move at least 1 million tons of cargo annually.

As a result of this tonnage requirement, a number of routine Army Corps operations and maintenance harbor dredging projects will not be carried out this year or in fiscal year 2007. There are 293 harbors in the U.S. classified as low use. Thus, barring exceptional circumstances, these harbors are not eligible to be included in the Corps budget next year simply because of this tonnage requirement.

These highly inadequate guidelines are unfairly biased against rural communities and will have a detrimental effect on 19 communities in my Northern Michigan district, and to 274 other communities across this country. If these harbors are not dredged, small town, rural America will suffer more job losses, businesses will struggle, and infrastructure could be damaged.

Members only need to look at the community of Ontonagon in my district for an example of the devastating effect this policy will have. Ontonagon was taken by surprise when they were not included in the President's budget for the first time in more than 5 years. Just last year, Ontonagon was dredged to approximately 19 feet. Today, it has silted back to 6 feet. In less than a year, two-thirds of this harbor has been silted back in. This happens each and every year because of a silting problem unique to this harbor. While the Army Corps has recognized Ontonagon's unique problem in the past, the new tonnage requirement fails to recognize the unique circumstances around the country some of these harbors face.

If this harbor is not dredged, the future of SmurfitStone Container Corporation, which relies on the harbor for coal and limestone deliveries, and the White Pine Power Company, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy.

Imagine the consequences for small towns like Ontonagon if their largest businesses are unable to receive the goods they need to remain competitive. This is just one example of many harbors that have been or will be short-changed.

Rural communities already have limited resources available to them, and this will just add an additional hardship. The Army Corps must develop requirements to determine whether a harbor is to be included in the President's budget for a yearly dredge that does not unfairly impact small harbors and rural communities. We need to ensure the Corps is putting forth guidelines and policies that are as fair as

possible to all communities across the country. I urge my colleagues to support the Stupak-Delahunt-Hoekstra amendment.

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

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not intend to speak in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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

Mr. Chairman, the administration has issued performance-based budgeting criteria based on tonnage being moved. That method places a very low priority on maintaining small ports.

This process ignores the fact that two-thirds of all cargo on major waterways either start or finish at small ports. If we abandon our small harbors, we adversely affect the entire waterway system that is already plagued with deferred maintenance and crumbling infrastructure.

The gentleman's amendment would ask the Corps to prepare its budget using its previous criteria that were based on maintaining an acceptable level of service at least cost for a commercial port. It is not primarily based on the tonnage in transit. Using this previous method would not ignore the contributions of our small harbors to the Nation's commercial transportation system.

I believe the administration's current method of budgeting could adversely affect commercial navigation. Therefore, I support the gentleman's amendment.

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

Mr. DELAHUNT. Mr. Chairman, for my district—coastal Massachusetts—our waterways are as important as our roadways. They are a vital part of the Nation's transportation infrastructure.

It is the responsibility of the Army Corps of Engineers to help keep our harbors, rivers and other channels in navigable condition. Out of the blue, the rules have been changed to dramatically favor larger, commercial waterways. This constitutes complete abandonment of Federal responsibility and quite simply, is an assault on smaller communities all over the country, putting lives and livelihoods at risk.

The rationale for these changes is that financial constraints require us to abruptly change Army Corps' priorities to favor projects with "true value to the Nation." This sounds good—but is dangerously misleading. The changed formula focuses only on commercial tonnage and mileage, so smaller projects do not have a chance—even though they are critical to the economy and public safety.

When waterways close due to sediment build-up, the commercial fishing industry suffers. Tourism is compromised. And our transport stops—sometimes dead in the water. The Coast Guard can't undertake "search and rescue" because they can't move—literally.

Just as a deteriorating highway or bridge needs repair, our waterways need maintenance.

If the traffic through a harbor requires an eight-foot draft and sediment builds up, leaving only five feet available, vessels cannot pass. It is larger, commercial vessels like tankers, fishing boats and barges that face the greatest difficulty and are most likely to run aground.

Entire portions of our local economy are organized around the sea and the easy transport of people and products in and out of our harbors. When you consider our island communities—such as Martha's Vineyard and Nantucket—the waterways carry all the necessities for local citizens, everything from food and water to lumber and heating oil.

In Chatham Harbor, which hosts the largest fleet of commercial fishing vessels in my district, we face a constant problem with shoaling. It is a 900-foot channel and when it is not clear, millions of dollars are at risk. For the first time in many years, the FY06 budget does not include dredging for Chatham because it does not meet these new criteria.

Then there's Green Harbor in Marshfield, the second highest lobster catch harbor in New England. Green Harbor would be shut down next year, costing millions of lost dollars in lobster catch alone, and untold tourist and other fisheries revenue.

In Woods Hole, we have a major Coast Guard station which launches many cutter search-and-rescue missions a year. Without regular dredging, that emergency equipment is land-bound. Tell that to the family of a fishing boat crew that can't reach shore. In that same harbor, the Federal government has invested millions in a state-of-the-art NOAA research vessel. It currently cannot dock at its home station, the world-renowned Woods Hole Oceanographic Institute, because the harbor is clogged with sediment.

For coastal communities, waterways are the arteries. Dredging is vital for the lifeblood of commerce to flow through these arteries for the economic health and safety of our coastal communities.

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from Michigan, Mr. STUPAK.

The gentleman's amendment requires the administration to adequately budget for Federal maintenance of smaller or low-use harbors. It reflects the growing frustration of the Members of this House, and the people they represent with the Administration's continuing efforts to deny communities Federal support for navigation at smaller harbors.

When the administration submitted its budget request for fiscal year 2006, it once again sought to eliminate or reduce funding for maintenance activities at smaller, less busy harbors. By abandoning Federal maintenance of these harbors, the administration places lives and livelihoods at risk.

Lives are at risk since many of these smaller harbors serve as harbors of refuge during inclement weather in many areas of the country, including the Great Lakes. Failure to adequately maintain harbors also creates unsafe navigation conditions, increasing the incidence of groundings and capsizing.

Livelihoods are at risk since many of these smaller harbors serve an important economic role in moving cargo, commercial fishing, and recreational opportunities.

Smaller harbors may not move hundreds or thousands of containers or tons of bulk cargo, but such harbors can be vital to the local community they serve. I hope that the message of

the gentleman's amendment is heard by the administration, and that the budgetary priorities for fiscal year 2007 reflect this serious concern.

I support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Tennessee (Mr. DUNCAN) for his support, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109-160.

AMENDMENT NO. 4 OFFERED BY MR. ROHRBACHER

Mr. ROHRBACHER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRBACHER:

Page 110, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents, of the bill accordingly):

**SEC. 2041. AUTHORITY OF NON-FEDERAL INTERESTS TO LEVY HARBOR FEES.**

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "tonnage duties or fees" and inserting "one or more of tonnage duties, tonnage fees, and container fees"; and

(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".

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from California (Mr. ROHRBACHER) and the gentleman from Tennessee (Mr. DUNCAN) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRBACHER).

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

I rise to offer an amendment to H.R. 2864 that will expand the scope of section 208 in the Water Resources Development Act of 1986. My amendment will allow our ports to levy a fee on containers and use that fee to pay for security and infrastructure at the ports.

The Rohrabacher amendment will facilitate the effort to modernize and secure American ports. In my district, the ports of Long Beach and Los Angeles handle approximately 44 percent of all of the goods delivered to American shores, yet they are in constant need of

revenue for facilities, improvements and upgrades to roads and bridges and rails.

Our marine terminals are invaluable commerce infrastructure, not only to our country but also for the many foreign manufacturers who sell primarily in the U.S. market. This is the portal through which foreign manufacturers deliver their goods to our markets. Yet these manufacturers provide almost none of the costs of operation or upkeep of these vital assets. This system, as it currently operates, is a subsidy to foreign manufacturers, paid by the American taxpayer, concealing the true cost of imported goods. What we have here is all backwards. What we are in effect doing, as the system works, is putting a tariff on products that are made in America.

Section 208 of WRDA currently allows ports to charge fees on tonnage and use those fees to fund infrastructure improvements. This section is hardly, if ever, invoked by the ports to raise funds due to the fact that it is complicated to collect and tends to be too unwieldy to be used effectively.

My amendment allows the ports to use a simpler and more efficient method: Fees on containers. The market-based fee in my amendment is simple to implement and to track, should be more widely used to raise funds for port projects. My amendment will also permit these fees to be used for homeland security projects at the ports, as well as infrastructure.

And let us be frank, the security threats that emanate from our ports come from foreign cargo. Why are we paying for their threat? If they want access to our markets, overseas manufacturers should pay the cost to ensure the safety of their deliveries. For too long the funding of marine terminals has been a one-way street with the American taxpayer footing the bill for the factory owners of Shanghai, Beijing and Macau while American manufacturers have been subsidizing their own competition.

Our port facilities should have the freedom to levy a market-based container fee which will provide new revenue and make our system more equitable to the American taxpayer and American manufacturers. The Rohrabacher amendment is the most efficient way to achieve these goals. The Rohrabacher amendment says we are on the side of the American taxpayer, and those people who run overseas to manufacture in China and elsewhere should be paying their part of the cost to make sure that that system, our port system, is working.

□ 1315

I would expect that people on both sides of the aisle would be supporting this. Unfortunately, our port systems, our ports, the people who run them, would rather come to the American taxpayer and get stipends from us rather than asking for a just fee to those manufacturers in China to pay for

some of the costs that are required to ship their goods through our ports.

This is an American versus foreign vote here. Whose side are we on? Who is going to pay the bill? Right now if our people go overseas and build their manufacturing plants, we end up subsidizing that by permitting them low-cost ways of getting their goods right into our market and undercutting the American producers who stayed behind to hire American people.

I would ask people on both sides of the aisle to seriously consider this. Do not listen to the ports who simply want more taxpayer subsidies. Let us let the people who use this system, the foreign manufacturers, pay their fair share.

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 California is one of the best friends I have in this Congress, and I certainly have great admiration and respect for him, and I sympathize with everything that he has just said; but I must regretfully state the position of the committee at this point, which is in opposition to this amendment.

The civil works program of the Army Corps of Engineers provides Federal assistance for dredging entrance channels and harbors and the Department of Homeland Security now offers grants for security projects.

But, generally, capital improvements to port infrastructure are a non-Federal responsibility. The gentleman's amendment would permit a non-Federal interest, which could be the port authority or the State generally, to collect a fee per container that moves through the harbor and to use those funds for security purposes or for infrastructure projects within the port or any transportation infrastructure outside the harbor.

First, if the goal is to help ports, this amendment is unnecessary. Ports can already charge fees for services under the authority of section 208 of the Water Resources Development Act of 1986, which they can use to help them with the cost of security and port infrastructure.

Second, this amendment goes too far by allowing the collected funds to be used for transportation projects outside the port. This could mean potentially a State fee paid by shippers of containers at ports being used to pay for highway and rail projects elsewhere in the State. This is why the American Association of Port Authorities and even the gentleman's home port of LA/Long Beach oppose this amendment.

The Subcommittee on Water Resources and Environment held a hearing on this bill in November 2003. The American Association of Port Authorities, the Waterfront Coalition, and the World Shipping Council all testified in opposition to this proposal.

This amendment is the same as the amendment the gentleman from California brought to the House floor last

Congress. It was defeated by a vote of 359-65. The committee believes that the ports can and should charge whatever fees they believe are necessary to cover their security needs and infrastructure projects. They have the authority to do that now, and Congress should not dictate how they make this business decision.

I can assure the gentleman that I would like to work with him on some of the broader section 208 issues to see if we can better address his very legitimate concerns. We certainly sympathize with the gentleman's amendment. The gentleman's amendment is well-intentioned, but at this point the committee position is to urge our colleagues to oppose this amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

This amendment is virtually the same as the amendment offered by the gentleman to the Water Resources Development Act of 2003, and which was defeated by a vote of 65 to 359.

The arguments against this amendment are the same, and unfortunately the gentleman from California has not addressed the concerns raised by the Committee on Transportation and Infrastructure the last time this amendment was offered.

I can understand the gentleman's interest in supporting additional investment in our Nation's ports and harbor infrastructure, but I do not believe that this amendment is the best way to achieve that goal.

Port authorities currently have the authority to collect fees for the services they provide, as provided by section 208 of the Water Resources Development Act of 1986, and decisions of the Supreme Court.

These fees can be used for services provided, and the construction, and operation and maintenance of, or emergency response services for navigation projects for a harbor.

The fees contemplated by the Rohrabacher amendment would be available for ports and 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 airport project associated with the harbor.

It could also include the locks and dams on the inland waterway system.

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.

While I support the efforts of our Nation's port facilities to provide intermodal connections between the ports and the highways and rail systems that move goods to their final destinations, I believe that it is inappropriate to establish a fee system where the containerized cargo industry could be supporting other transportation modes.

In addition, this amendment is described as a way to pay for much-needed security enhancements at our Nation's ports.

However, in effect, the revenue raised by this amendment would be limited to only those in conjunction with the construction, operation, and maintenance of a navigation project or other infrastructure, and would cease to exist once these projects were complete.

It would not provide a long-term solution to reducing the vulnerability of our Nation's ports.

I urge my colleagues to oppose the amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

The establishment has set up a system that we have built a Frankenstein monster in China by ensuring that jobs and manufacturing are going to China. I do not know why that is, I think that was a horrible decision, but it is time for us to start backing away from that policy. The most important way to start backing away from the policy of taking American jobs and shipping them to China, building the economic strength of China, the first step to take is to make sure that those people who go to China to manufacture are paying the cost of shipping their goods into America's markets rather than having the taxpayer provide that for them at the expense of our own manufacturers.

I would ask people on both sides of the aisle, let us turn around this policy, change the basic policy on China, vote "yes" on the Rohrabacher amendment.

Mr. OBERSTAR. Mr. Chairman, I must oppose the amendment of the gentleman from California, Mr. ROHRABACHER, in its current form.

While I congratulate the gentleman for seeking ways to enhance the availability of resources to address security and infrastructure needs, I believe that his proposal is too broad.

The proposal would amend the authority contained in the Water Resources Development Act of 1986 for ports to charge fees to recover a portion of their costs associated with port deepening projects. That authority was carefully crafted to ensure that the fees that were charged on a vessel were associated with improvements and activities at the port. This amendment allows for fees to finance activities well beyond the confines of the port.

The amendment specifically allows for the imposition of fees on containers and for those proceeds to be used for financing the cost of construction and operation and maintenance of infrastructure outside the boundaries of the harbor. This is simply too broad.

The amendment would allow for the imposition of container fees to finance highways or rail expansion, with the only requirement being that the project go to, from, or through the harbor. This could certainly benefit other transportation modes, but it would do so on the back of container traffic.

This proposal needs further review. We can look at the passenger facility charges currently used in the aviation program as a model. There, Congress working in collaboration with aviation interests developed a financing mechanism that has benefited airports, the airline industry, and air passengers. But, we did not allow these revenues to become the financing mechanism for a wide variety of infrastructure projects.

I would be pleased to work with the gentleman on his proposal, participate in hearings,

and work with interested parties. But, in its current form, I oppose the gentleman's amendment.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109-160.

It is now in order to consider amendment No. 6 printed in House Report 109-160.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:  
Page 346, strike lines 19 and 20 and insert the following:

(C) implement not later than January 1, 2006, an appointment system to schedule and prioritize, based upon the average lockage time of each barge company, traffic movements at each lock on the Upper Mississippi River and Illinois Waterway.

Page 347, strike lines 4 through 7 and insert the following:

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot-long locks at Locks 20, 21, 22, 24 and 25 on the Upper Mississippi River and at Lagrange Lock and Peoria Lock on the Illinois Waterway if the combined, 3-year average of the number of total tons of commodities processed at these 7 locks in calendar years 2007, 2008, and 2009 exceeds 35,000,000 tons.

(2) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress—

(A) before December 31, 2010, a notification report, prepared in consultation with the National Research Council of the National Academy of Sciences, indicating a recommendation on whether to proceed with new lock construction described in paragraph (1) based on a cost-benefit analysis and on activities undertaken under subsection (a)(1); and

(B) before December 31, 2013, a reevaluation report on whether to proceed with new lock construction described in paragraph (1) taking into account regional, national, and world market conditions and the development and application of new peer-reviewed models.

Page 347, line 8, strike "(2)" and insert "(3)".

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Tennessee (Mr. DUNCAN) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute.

This amendment, contrary to what has been said on the floor earlier, in



fact, a Dear Colleague just went around that somebody brought my attention to that says that this project would prevent this critical piece of infrastructure modernization from going forward, this amendment would do nothing of the sort, unless the tonnage requirements that the corps has actually put forward on its own are not met that would justify the project. This simply says that this project only goes forward if the benefits outweigh the costs. It will not go forward under this amendment if the costs outweigh the benefits. It is a simple amendment. I would encourage my colleagues to support it.

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

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise in opposition to this amendment for several reasons. The first thing, it is a very basic kind of principle of politics and how we do government, that is, the idea of a use tax. When we buy gasoline at the gas pump, there is a tax on it and the purpose of that tax is to be able to build roads.

In this case, there are tow boats and barges and they pay a gasoline tax and the purpose of that tax is to help build our infrastructure. Through the years, the people that have been going up and down the Mississippi and the Ohio river valleys with the barges and the tow boats have been paying this tax. The tax, I believe, should be used to rebuild these locks.

I am from the St. Louis area, and some of these locks are just antiques. We do not even know when they are going to break sometimes. We have to move goods up and down the river. There are some critical supplies that have to get to various cities, such as fuel oil to Chicago and other things like that, not to mention the grain that is going out of the country. That is why it is very important to rebuild these locks. We are using a gasoline tax effectively to do that.

Mr. FLAKE. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, the previous colleague who was concerned about this said it was time to rebuild the locks. It betrays a fundamental misunderstanding of what the project is. The project is not about rebuilding the locks. We have been doing that over the last 25 years. In fact, there is an \$88 million project going right now for Lock 24. This is a \$1.8 billion addition, building new locks in addition to what we already have there.

In that regard, the proposal that the gentleman from Arizona and I have offered up, saying we do not do a new one unless it is justified, seems reasonable, modest and important.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time.

I said previously, and I will say again, that I am in opposition to this amendment. Almost 70 percent of U.S. ag exports travel the upper Mississippi River and the Illinois waterway system. The current locks are 50 to 70 years old. They were built to handle 600-foot barges, not the 1,200-foot barges today. We are spending millions of dollars in emergency repairs. I have four pages of a computer printout in small print where we have spent \$65 million in repairs, emergency repairs, to the current locks. Taxpayers are spending millions of dollars to put a Band-Aid on a system that is antiquated. We must modernize these locks. We cannot waste time. We cannot delay the project.

There is not another bill that has come to this floor this session that I am aware of that has had the support of the business community and labor unions. The building trades as well as the American Chamber of Commerce and a number of other groups and organizations have come together in support of this bill. I ask that our colleagues reject this amendment and vote "yes" on final passage.

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds. Again, I am going to sound like a broken record by the time this is through. All this amendment says is that based on the corps' own assumptions, river traffic is going to have to reach 35 million tons. That would be required to justify the project. If that is not met, the project will not go forward. If it is met, it will go forward.

We are simply saying that the corps' own assumptions need to be met, need to be satisfied, in order for the project to go forward. Again, this is not scuttle the project. This simply says it needs to be justified by their own figures.

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

I rise in opposition to the Flake-Blumenauer amendment. The gentleman from Oregon is one of the most active and one of the finest members of our Subcommittee on Water Resources and the Environment. The gentleman from Arizona and I vote alike on probably 98 or 99 percent of the issues that come before this Congress, so I cannot overstate my respect and admiration for both of these gentlemen; but I do have to oppose this amendment.

Failure to upgrade our infrastructure is not fiscally conservative. Not constructing the upper Mississippi navigation improvement project, according to the National Corn Growers Association, will result in a loss of \$562 million in annual farm income by 2020. Of this, \$246 million would be lost in reduced exports to other countries. Navigation on the upper Mississippi River-Illinois Waterway provides for more than 400,000 jobs, including 90,000 high-paying manufacturing jobs. The navigation improvement project in H.R. 2864

would create an additional 48 million man-hours of work. There is a critical Federal interest in navigation. The vast array of navigation infrastructure is important to the Nation's economy and a secure economy is a necessary part of a secure Nation.

Right now, increased transportation costs mean that some of our farmers and manufacturers will not be able to compete in the world market and may go out of business. This means the shipment of cargo on these rivers will decrease, not increase. So it is sort of a self-fulfilling prophecy that we have been discussing. Right now, traffic on these rivers is constrained, very constrained, by small aging locks. It is not fiscally conservative to constrain the United States economy with outdated and obsolete infrastructure. If you do not improve or maintain buildings and homes, they deteriorate. That is not a fiscally conservative thing to do. We could say the same about our locks and our dams.

The language contained in title 8 of the bill is compromise language. This language was negotiated last year with the other body. The WRDA bill pending in the other body contains virtually identical language. The Flake-Blumenauer amendment will either delay or halt the project, costing U.S. taxpayers much, much more in the future. As a fiscal conservative, I try to be a careful steward of taxpayer dollars. This project is an investment in America, and I support it. Voting against the Flake-Blumenauer amendment is the fiscally conservative thing to do. Accordingly, I must oppose this amendment and urge a "no" vote on it.

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

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would make two brief points. First, what is not being focused on is where the traffic is going in this corridor. Some products that previously had gone out the mouth of the Mississippi River are now going north to Canada by rail, south to Mexico by rail, they are going west for export, or they are being consumed domestically.

That is why, and it comes to the second point: traffic on the river is not going up as these studies have shown. It has been flat for the last 20 years. It has been going down for the last 3 years. What the gentleman from Arizona and I have offered is a modest compromise. If 3 years is not enough, take 4 years. But look at where the trend line is going and justify a project before you start new construction, \$1.8 billion, for something that frankly does not appear to be warranted according to the independent estimates, CRS, three studies from the National Academy of Science, and we have already seen that the corps' process has been severely discredited according to an investigation by the Inspector General.

□ 1330

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute.

Let me just say, again, I am sympathetic to the needs, and I have seen the locks. In fact, last week I was in Keokuk, Iowa and saw a lock not unlike the ones that are going to be funded by this project. And they are old. They do need maintenance. We are providing a lot of money for that now. We have been ongoing for the past several decades.

But this is new dollars, new money for new locks. And it seems to me that if we are fiscally conservative, we ought to say there ought to be a justification. There are ways one can justify it. They could say it is going to create a lot of jobs, a lot of people are going to be working on that project, but that all makes sense if we are all Keynesians now, and I hope we are not. I hope that we believe that taxpayers ought to be protected, and they spend their money best, unless there is a justified need. And here all we are saying, as the gentleman from Oregon (Mr. BLUMENAUER) said, this is a carefully constructed compromise saying that it should move forward if there is an economic justification for it. If there is not, then it should not move forward. That is all we are saying here.

Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate what the gentleman from Arizona (Mr. FLAKE) is saying. I think it is important to have this safety valve. Nobody is suggesting that we close the locks, stop the rehabilitation, and shove all this stuff on trucks. That is not what we are talking about. There is plenty of time, plenty of money that can be spent boosting the local economy by doing this right. But concentrate on the priorities. Make sure what we have got works, scale it to traffic, give it a fair test, see if the experts are right. If the experts are all wrong, then the project will go forward. If the experts are right, we will have saved \$1.8 billion.

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

I appreciate the debate that has been had on this topic. Again, we have this year over a \$300 billion deficit. It is better than we thought it was going to be, but it is still over \$300 billion. We have a debt near \$8 trillion now. If we, as stewards of the taxpayers' money, cannot step in and when a project does not meet its own goals to move forward, if we cannot step in and say we are not going to do this, we are not going to spend the taxpayers' money on this, we are going to wait and get a project that is justified, then who are we as Members of Congress? We will never get a handle on this debt or deficit.

I would say that, if one is fiscally conservative, this amendment is a lock.

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

Mr. DUNCAN. Mr. Chairman, I yield to a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER).

This amendment would prohibit the construction of new locks for the Upper Mississippi River and Illinois Waterway navigation project unless the volume of cargo moving along the system increases at a pre-determined rate.

I understand the concerns of the authors of this amendment.

The Upper Mississippi River and Illinois Waterway navigation project has a history of being the longest, the most costly, and the most controversial study by the Corps of Engineers that anyone can recall.

During the formulation of the navigation and ecosystem restoration components of this project, numerous outside groups, including the National Research Council, expressed concern with the economic justification for the project, including the predicted increases in grain shipments and other commodities that will utilize the new locks called for in the report of the Chief of Engineers.

However, the way to address these concerns is not to restrict the Corps' capability to carry out its mission, but to commit to the necessary congressional oversight on this project as each component proceeds towards implementation.

As with every major project carried out by the Corps, including the restoration of the Florida Everglades, the restoration of Coastal Louisiana, and the construction of the new locks on the Upper Mississippi River, it is the Congress that must ensure that Federal dollars are wisely spent.

As keepers of the Federal purse, we must commit to careful oversight of these major projects over the coming decades to ensure that taxpayer dollars are not wasted.

The Committee on Transportation and Infrastructure stands ready to keep careful watch over this project, as well as other programs of the Corps of Engineers.

For this reason, I must oppose the amendment offered by Mr. FLAKE and Mr. BLUMENAUER.

Mr. DUNCAN. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the chairman for yielding me this time.

In the remaining time, first of all, to my friend from Arizona, this is an authorization, not an appropriation. Half of the cost is going to be borne by those that use it, \$900 million from the inland waterway trust fund. To my friend from Oregon, the trends on the inland waterway system have gone up except in this area where the locks and dams are crumbling because we are losing the reliability of these antiquated structures that were built in the 1930s with a 50-year useful life. And would

they put the same sort of requirement on our national highway system?

The fact is that the Inland Waterway Structure and these locks and dams on the Upper Mississippi do have national significance. That is why we must modernize them and reject this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I appreciate the opportunity to express my opposition to the Flake amendment.

I know many following this debate today are not from Wisconsin—or the Upper Midwest for that matter. You may look at this amendment and wonder—“is this investment in our infrastructure really worth the cost?” I can assure you, the answer to that question is “yes.”

The Mississippi River is critical to Wisconsin's economic viability. Whether it is providing an efficient, cost-effective transportation system for Wisconsin agricultural products or helping bring lower-cost coal to Wisconsin power plants, the Mississippi River is the engine that keeps many communities in Wisconsin running. Unfortunately, this essential engine is aging—at times even sputtering. The infrastructure on the river is nearly 70 years old. Unplanned lock closures are increasing by 10 percent each year and the waiting time at critical locks continues to increase.

The proposal we have before us today is what is needed to ensure that the Mississippi River continues to be a vital economic link for American commerce and exports. Waiting three more years will only marginalize this waterway system. The proposal we have before us today is over 12 years and \$75 million dollars in the making. It is a sound proposal and has the strong support of states in the basin as well as 85% of participants at recent public meetings.

Frankly, I think this issue really boils down to this: if you think shutting down access to our export markets is good for America's farmers, you should vote for this amendment. If you think Congress should abandon its commitment to rural communities, then you should vote for this amendment. If you oppose efficient, reliable, environmentally-friendly, low-cost transportation, then you should vote for this amendment.

Modernization of the Upper Mississippi River System is good for our economy and good for our environment. If you support agriculture; if you support rural communities; if you support efficient infrastructure, then you should oppose the Flake amendment and support the bill we have before us today.

Mr. OBERSTAR. Mr. Chairman, I oppose the amendment.

An efficient, modern, intermodal transportation system is vital to the economic well being of the Nation. Our inland waterways are a critical component of that system. This amendment sacrifices any hope of regaining a leadership role in world grain markets for Midwest producers.

I can appreciate the concerns of the gentleman that offer this amendment. The Upper Mississippi River-Illinois Waterway Navigation Study has been the costliest and most controversial study ever undertaken by the Corps of Engineers. It has had whistleblower complaints, an investigation by the Office of Special Counsel, an investigation by the Army Inspector General, three National Academy of Sciences reviews, Congressional hearings, and more newspaper articles and editorials

than one could imagine. Throughout all this, the Corps remained thorough, professional, and exemplary in its review of alternatives and its willingness to adapt to new information presented to it.

The Transportation and Infrastructure Committee, and its predecessors, has consistently supported a diverse and efficient national transportation system. This includes ports, highways, rail, aviation, and the inland waterway system. Each of these modes contributes to the overall transportation system that fuels the world's leading economy.

In pursuing the national transportation system, we cannot stand still. We did not build the Interstate Highway System and then walk away. We continue to expand and modernize the system to meet evolving needs—the House/Senate conference intends to conclude its work on a reauthorization bill this month. The same is true for ports, rail and aviation. The inland waterway system is no different.

The Corps recommends the construction of five new locks on the Upper Mississippi River, and two new locks on the Illinois Waterway. At 1,200 feet, these locks will accommodate today's common 15-barge tows. Instead of having to break the tows into two sections to pass through the locks, a 1,200-foot lock allows passage as a single unit. This can save an hour or more of transit time, resulting in lower transportation costs, and grain exports that are more competitive on world markets.

There are the small-scale structural and non-structural measures that should be pursued immediately. Initially, the Corps plans to implement mooring facilities and switchboats over the next 15 years. The Corps should also continue to explore options to improve the utilization of existing facilities through improved scheduling techniques and river traffic management. The Nation constantly explores improvements in managing air traffic congestion; the inland transportation sector could benefit from lessons learned in aviation traffic management. After all, the Corps will have to aggressively pursue nonstructural traffic management techniques during any construction period. It is never too early to explore what works.

While the Corps is implementing the small-scale structural and nonstructural changes, the Corps should continue its efforts in planning the construction of the new locks. These are the large-scale improvements calling for the construction of 7 new 1,200-foot locks. These components should stay on track. The Nation's grain producers, the transportation industry, and our export customers need to have a stable, reliable economic environment in which to grow and develop. In the meantime, the Corps and the Congress will have the opportunity to evaluate the effectiveness of the small-scale measures, monitor grain trade patterns, and proceed with the most current and accurate information available.

The amendment before the Committee would simply add delay for no benefit. A contributing cause of stagnant traffic patterns is the very congestion that these locks would alleviate. By requiring traffic to grow before the locks can proceed will forever doom the locks. The proponents of the amendment fail to acknowledge that these new locks are desperately needed to allow traffic to grow.

Grain sales occur in world markets based on extremely small variations in price. I recall instances when as little as one-eighth of a

cent per bushel was enough to be the deciding factor. By reducing congestion and lowering transportation costs, we can do our part to ensure that U.S. grain products can successfully compete on world markets. Requiring more traffic, more congestion, and higher prices before the locks can proceed will only further harm the Midwest agricultural economy.

The small-scale and large-scale construction components will require significant mitigation components. Let me be clear to the Corps and the other Federal agencies involved that the Corps must adhere to the requirements of the Water Resources Development Act of 1986 and ensure that all required mitigation is undertaken either in advance, or concurrent with the construction. Too often, mitigation becomes the orphan of the project and the environment suffers. That cannot be the case here, or elsewhere in the Corps program.

The remaining critical element of the proposal is the recommendation for a large-scale ecosystem restoration program for the area. While the total \$5.3 billion cost is large, the value to the United States of the Mississippi River and Illinois Waterway navigation system justifies the costs.

Since 1940, the Nation has benefited from the efficient and safe transportation of goods by barge. Waterborne transportation remains the most fuel-efficient way to transfer bulk commodities. Yet, this highly efficient system has exacted a price on the ecosystem of the Upper Mississippi River and Illinois Waterway.

This ecosystem comprises 2.6 million acres in parts of five States. It includes hundreds of thousands of acres of bottomland forest, islands, backwaters, side channels, and wetlands. The region supports 270 species of birds, 57 species of mammals, 45 species of reptiles and amphibians, 113 species of fish, and nearly 50 species of mussels. More than 40 percent of North America's migratory waterfowl and shorebirds depend on the resources, shelter, and habitat that the region provides. We must do our part to restore this precious resource.

Mr. Chairman, I support the recommendations of the Chief of Engineers to enhance the Nation's inland waterway transportation system, and to restore the ecosystem of the Upper Mississippi River and Illinois Waterway.

I strongly oppose the amendment offered by Mr. FLAKE and Mr. BLUMENAUER, and urge a "no" vote.

Mr. LEACH. Mr. Chairman, with great respect for the two members who have offered this amendment, I rise in opposition to its content.

What is at issue is whether we want a first or second class transportation infrastructure. The locks are designed to last at least fifty years. It is impossible to predict what goods will be transported up or down the river fifty years from now. Will it be corn or some new fiber that is either calorie or energy intensive? Will it be steel, aluminum, iron ore, fertilizer, or a refined corn or plastic product?

Accordingly, I am extremely doubtful of capacity testing approaches that fit a couple year time frame which would put the future economic viability of the Midwest in jeopardy. Unlike the coasts with their spacious oceans—we are landlocked. The Mississippi River and its locks are our doors to the world. The question with the Blumenauer and Flake Amendment is whether these doors will be small or con-

straining or somewhat larger and more hospitable to commerce.

There are environmental as well as humanitarian questions that must be pondered. To the surprise of some, the environmental and humanitarian case for somewhat larger locks is compelling. After all, all forms of transportation cause environmental disruption. But barges use less energy than other forms of transportation. Indeed, logically, upgrading our locks and dams should be part of the Energy bill. Barges are fuel efficient moving goods upstream; and when they travel downstream they are partly gravity driven. Gravity is analogous to cost free, solar energy. Barges, with their waves and physical interactions with the river cause interruptions with nature. But so do trucks, trains and airplanes, and it is quite possible that barges are the least nature-intrusive technique to move commercial goods. They are also the cheapest in many circumstances. At great risk, this Congress turns a cold shoulder to infrastructure investments that improve American competitiveness.

As for the humanitarian issue, the great American breadbasket has provided food at minimal cost to the American people. It has also provided foodstuffs to a starving world. To trim the doors of commerce in food is to trim our humanitarian obligations to impoverished peoples throughout the world.

Finally, Mr. Chairman, let me say that the lock system of the Mississippi River is a vibrant part of the American transportation infrastructure. This is the first amendment that I have encountered in this body that suggests our infrastructure should be second rate. The history of this country has been one of opening, not closing, the heartland. That is why we built the Erie Canal. That is why we built the St. Lawrence Seaway. That is why we should not constrain the future and narrow the valves of our heartland's greatest artery.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 7 printed in House report 109-160.

AMENDMENT NO. 7 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIND:  
Page 354, line 23, strike "and";  
Page 355, line 3, strike "rates." and insert "rates; and".

Page 355, after line (3), insert the following:

"(3) make an annual report to Congress, beginning in fiscal year 2008, regarding whether the projects are being carried out at a comparable rate."

Page 355 line 4, after "Secretary" insert "or Congress".

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

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

Mr. Chairman, I rise today in support of this legislation. I think it is a very positive step forward and a very balanced approach.

The amendment I am offering is a friendly amendment. It is not an amendment that is calling for a retraction or cutback of any programs. It is not an amendment asking for more money or less money for any project. It is not an amendment that changes the definition of anything in the bill. It is an amendment that appreciates the approach in regards to the management of the Upper Mississippi River basin, especially under title VIII.

Title VIII contains two major features: One, as the previous amendment spoke to, is the modernization of the lock and dam system for a certain number of locks in the middle part of the Mississippi and along the Illinois River. But the other component of all that, that really has not received that much attention, is the ecosystem restoration plan that was also a part of the navigation study and one that has been put forward with us today.

In the underlying bill, I think the authors of the legislation, those in support of it, understand the use of the Mississippi River. Yes, there is commercial navigation on it, and there will be tomorrow. It is an important feature of economic development and for our regional economy in the Midwest area. But it is also a river that is used for recreational purposes and tourism purposes. And what is being proposed in the ecosystem restoration portion of the bill is one of the most major investments in the ecosystem of the Mississippi River Basin. And the language actually asks for a comparable rate of progress being made in both the modernization of the lock and dam system along with the investment in the ecosystem restoration, an adaptive management approach that the Corps of Engineers along with other outside experts have recommended in regards to the management of the river system.

My amendment does two very simple things. One is, the Secretary of Army, under the current bill, is required every 4 years to submit a report to Congress showing the progress being made in both the ecosystem restoration and lock and dam modernization. My amendment asks for an annual report by the Secretary to do that so that the taxpayers can determine whether or not the investment is being well spent, so we can determine here in Congress whether the comparable rate of progress is being met, and so that there is that continuing underlying justification that the authors of the previous amendment were alluding to previously.

But my amendment also just clarifies that Congress also has a role in regards to making sure that we do have a comparable rate of progress being made in both the ecosystem portion of the underlying bill and the lock and dam modernization.

Those who grew up on the Mississippi, as I did, and I would probably call myself a river rat, having grown up in western Wisconsin and spent my youth on the river and now enjoy it immensely with my own family and two little boys, understand the importance of maintaining the balance of this vitally important national treasure that we have called the Mississippi River Basin. That area has been the key to the fertile lands that we now call the bread basket of America. It is now a multi-billion dollar industry, the agricultural production that occurs in the upper Midwest. But it is also a multi-billion dollar industry in regards to the recreational and tourism use of the upper Mississippi area. In fact, the Upper Mississippi Wildlife Refuge, the largest refuge in the Nation, has more visitors to it than Yellowstone National Park every year. This river basin is the primary drinking source of over 33 million Americans. It is North America's largest migratory route. Forty percent of water fowl species, and any person who loves to duck hunt, as I do, will tell Members how vitally important that Mississippi River corridor is to the duck populations in the North American continent. And it is a tremendous economic value to our regional economies, not just the commercial navigation that is vital but also the recreational and the tourism value that it brings to the region.

So all we are asking in this amendment is having an annual report by the Secretary of the Army so we can track the progress being made on both fronts and also this clarification that Congress is going to play a role in making sure that we do maintain balance in regards to lock and dam modernization but also the important investment that has to go into ecosystem restoration.

Both components are expensive, and that is why we need to come back, I think, on a much more frequent basis to review the progress that is being made and be able to justify this to the American taxpayer.

My friend from Arizona is exactly right. We are running budget deficits. These are expensive projects. We should be held accountable. And I think having an annual report to do that is a step forward in that direction.

I just want to conclude by commending and thanking the work that the committee has done in putting together, I think, a very fair and balanced bill; the work that the staff has put in to try to reach consensus. Obviously, it is not without controversy. The NAFF study is something that has been around for over 10 years. It has cost us close to \$100 million to conclude before the Corps of Engineers submitted their final report to Con-

gress for our consideration. And my guess is, we are probably going to have to continue working on lock and modernization and the ecosystem portion of the river in years to come.

But I think it is an important first step. I think my amendment does add some value to the underlying bill, and I encourage my colleagues to support it.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIRMAN. The gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

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

I will not oppose the amendment. I will simply say, the gentleman's amendment relates to the project for navigation improvements and ecosystem restoration on the Upper Mississippi River and Illinois Waterway System. This framework for what will be multiple projects is authorized in title VIII of the reported bill.

Section 8005 of H.R. 2864, as reported, requires that the Secretary make a determination whether or not the projects are being carried out at comparable rates. This amendment directs the Secretary to submit an annual report to Congress on this determination that is already required by the reported bill. I have no objection to the Secretary's reporting to Congress on this issue, and therefore, I have no objection to this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman's amendment relates to the many projects that make up Title 8 of the bill, the Upper Mississippi River and Illinois Waterway System. The amendment has two parts.

The first part requires that the Secretary report to Congress on his determination of whether the projects are being carried out at comparable rates. I have no objection to the Secretary reporting to Congress on his findings.

The second part of the amendment has no meaning since it suggests that the Congress shall be making adjustments to annual funding requests for the various projects under this Title. Congress does not make funding requests.

Therefore, the only operative part of this amendment is the report to Congress, and on that point, I have no objection.

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from Wisconsin, Mr. KIND.

This amendment seeks to ensure that the navigation project for the Upper Mississippi River and Illinois Waterway proceeds in tandem with the environmental restoration program that this bill simultaneously authorizes. It also calls for the budgetary process to be adjusted to accomplish this goal.

I believe that this amendment reflects the original intent of the interested parties and the Corps of Engineers. When the environmental component was added to the navigation study, it was in recognition that the two programs needed to complement each other.

The Mississippi River and Illinois Waterway are a multi-purpose system. They serve important navigation needs yet are a vital part of the Nation's environmental ecosystem. The Mississippi River, its sidechannels, and tributaries constitute the central flyway for millions of migrating waterfowl. It also serves as the home for a variety of fish and shellfish.

I support the twin goals of improving navigation on the Upper Mississippi River and Illinois Waterway and conducting environmental restoration. This amendment is consistent with these goals. I support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment was agreed to.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I take this opportunity to acknowledge the strong bipartisanship that is the hallmark of this bill, and I especially acknowledge the bipartisanship of the gentleman from Tennessee (Mr. DUNCAN), subcommittee chairman; and the cooperation of the gentleman from Alaska (Mr. YOUNG), committee chairman; and the gentleman from Minnesota (Mr. OBERSTAR), ranking member.

This bill demonstrates the kind of cooperation that too often is lacking in this House. We on the Democratic side do not agree with everything that is in this bill. We might have written it differently had we written it alone. I am sure that any colleagues on the Republican side feel the same way. But working together, listening to each other, we developed a bill that I am sure will have broad bipartisan support in this House when the vote is taken in just a few minutes.

I also take this time to acknowledge the highly professional and skilled work of Susan Bodine, the Republican staff director and counsel for the subcommittee. This will be her last water resources bill. She has been nominated to become the assistant administrator for Solid Waste and Emergency Response at the Environmental Protection Agency, and I am sure that she will soon be confirmed and will do a wonderful job. She has served the Committee on Transportation and Infrastructure in this House with the knowledge, professionalism, advocacy and pragmatism that exemplifies the best of the legislative process.

On behalf of the Democrats on the Committee on Transportation and Infrastructure, we congratulate Ms. Bodine and wish her every success in her new position.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I just want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for those very kind remarks, and I could say everything back to her that she just said. And we appreciate the cooperation and the hard work of the staff on both sides.

I had the privilege to introduce Susan Bodine to the Senate committee this morning, and I said so many good things about her at that time that I would not want to repeat those again or her head would get so big, she would not be able to get out of this room here today.

But we do appreciate so much the work that she has done over the years for our subcommittee, and she has been one of the finest staffers that this Congress has ever had, and we want to congratulate her. We hate to lose her to the EPA, but certainly she is moving onward and upward and we wish her the very best.

With that, I urge passage of this bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 by the gentleman from California (Mr. ROHRABACHER), amendment No. 6 by the gentleman from Arizona (Mr. FLAKE).

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 310, not voting 12, as follows:

[Roll No. 376]

AYES—111

Abercrombie	DeFazio	Goode
Akin	DeGette	Goodlatte
Bachus	Delahunt	Green (WI)
Baldwin	DeLauro	Gutknecht
Barrow	Dingell	Harman
Bartlett (MD)	Doolittle	Hayworth
Bono	Doyle	Hefley
Brown (OH)	Duncan	Henger
Burgess	Emerson	Herseth
Burton (IN)	Engel	Hinchey
Butterfield	Evans	Hooley
Buyer	Farr	Hosettler
Calvert	Flake	Hunter
Case	Fortenberry	Issa
Coble	Frank (MA)	Istook
Costa	Franks (AZ)	Johnson, Sam
Costello	Gohmert	Jones (NC)

Kaptur	Murtha	Schwarz (MI)
Kennedy (RI)	Myrick	Scott (GA)
Kildee	Nadler	Sensenbrenner
King (IA)	Napolitano	Shadegg
Kucinich	Olver	Sherman
Langevin	Otter	Sherwood
Larson (CT)	Paul	Shuster
Lungren, Daniel	Pence	Slaughter
E.	Peterson (MN)	Sodrel
Maloney	Petri	Stearns
Marshall	Pitts	Strickland
McCollum (MN)	Pombo	Tancred
McCotter	Renzi	Taylor (MS)
McDermott	Rogers (MI)	Taylor (NC)
McGovern	Rohrabacher	Udall (CO)
McHenry	Royce	Udall (NM)
McKinney	Ryan (OH)	Walsh
McNulty	Ryan (WI)	Watt
Meehan	Sabo	Wilson (SC)
Mica	Sanchez, Loretta	
Moore (WI)	Sanders	

NOES—310

Ackerman	Deal (GA)	King (NY)
Aderholt	DeLay	Kingston
Alexander	Dent	Kirk
Allen	Diaz-Balart, L.	Kline
Andrews	Diaz-Balart, M.	Knollenberg
Baca	Dicks	Kolbe
Baird	Doggett	Kuhl (NY)
Baker	Drake	LaHood
Barrett (SC)	Dreier	Lantos
Barton (TX)	Edwards	Larsen (WA)
Bass	Ehlers	Latham
Bean	Emanuel	LaTourette
Beauprez	English (PA)	Leach
Becerra	Eshoo	Lee
Berkley	Etheridge	Levin
Berman	Everett	Lewis (CA)
Berry	Fattah	Lewis (GA)
Biggart	Feeney	Lewis (KY)
Bilirakis	Ferguson	Linder
Bishop (GA)	Filner	Lipinski
Bishop (NY)	Fitzpatrick (PA)	LoBiondo
Bishop (UT)	Foley	Lofgren, Zoe
Blackburn	Forbes	Lowey
Blumenauer	Ford	Lucas
Blunt	Fossella	Lynch
Boehert	Fox	Mack
Boehner	Frelinghuysen	Manzullo
Bonilla	Garrett (NJ)	Marchant
Bonner	Gerlach	Markey
Boozman	Gibbons	Matheson
Boren	Gilchrest	Matsui
Boswell	Gillmor	McCarthy
Boucher	Gingrey	McCaul (TX)
Boustany	Gonzalez	McCreery
Boyd	Gordon	McHugh
Bradley (NH)	Granger	McKeon
Brady (PA)	Graves	McMorris
Brady (TX)	Green, Al	Meek (FL)
Brown (SC)	Green, Gene	Meeks (NY)
Brown, Corrine	Grijalva	Melancon
Brown-Waite,	Gutierrez	Menendez
Ginny	Hall	Michaud
Camp	Harris	Millender-
Cannon	Hart	McDonald
Cantor	Hastings (FL)	Miller (MI)
Capito	Hastings (WA)	Miller (NC)
Capuano	Hayes	Miller, Gary
Cardoza	Hensarling	Miller, George
Carnahan	Higgins	Mollohan
Carter	Hinojosa	Moore (KS)
Castle	Hobson	Moran (KS)
Chabot	Hoekstra	Moran (VA)
Chandler	Holden	Murphy
Chocola	Holt	Musgrave
Clay	Honda	Neal (MA)
Cleaver	Hoyer	Neugebauer
Clyburn	Hulshof	Ney
Cole (OK)	Hyde	Northup
Conaway	Inglis (SC)	Norwood
Conyers	Inslee	Nunes
Cooper	Israel	Nussle
Cox	Jackson (IL)	Obey
Cramer	Jackson-Lee	Ortiz
Crenshaw	(TX)	Osborne
Crowley	Jefferson	Owens
Cuellar	Jenkins	Oxley
Culberson	Jindal	Pallone
Cummings	Johnson (CT)	Pascarell
Davis (AL)	Johnson (IL)	Pastor
Davis (CA)	Johnson, E. B.	Payne
Davis (FL)	Jones (OH)	Pearce
Davis (IL)	Kanjorski	Pelosi
Davis (KY)	Keller	Peterson (PA)
Davis (TN)	Kelly	Pickering
Davis, Jo Ann	Kennedy (MN)	Poe
Davis, Tom	Kind	Pomeroy

Porter	Schwartz (PA)	Tiberi	Boehler	Hooley	Olver	Meehan	Putnam	Snyder
Price (GA)	Scott (VA)	Tierney	Bono	Inglis (SC)	Otter	Meek (FL)	Radanovich	Sodrel
Price (NC)	Serrano	Towns	Bradley (NH)	Insee	Pallone	Meeks (NY)	Rahall	Solis
Pryce (OH)	Sessions	Turner	Brown (OH)	Johnson (CT)	Paul	Melancon	Rangel	Souder
Putnam	Shaw	Upton	Castle	Kennedy (RI)	Payne	Mica	Regula	Spratt
Radanovich	Shays	Van Hollen	Chabot	Kind	Pence	Miller (MI)	Rehberg	Strickland
Rahall	Shimkus	Velaquez	Chocola	Kolbe	Ramstad	Miller (NC)	Reichert	Stupak
Ramstad	Simmons	Visclosky	Cooper	Kucinich	Rohrabacher	Miller, Gary	Renzi	Sullivan
Rangel	Simpson	Walden (OR)	Crowley	Kuhl (NY)	Rothman	Mollohan	Reyes	Sweeney
Regula	Skelton	Wamp	Davis (CA)	Langevin	Royce	Moore (KS)	Reynolds	Tanner
Rehberg	Smith (NJ)	Wasserman	Davis, Tom	Levin	Sanchez, Loretta	Moran (KS)	Rogers (AL)	Tauscher
Reichert	Smith (TX)	Schultz	DeFazio	Lewis (GA)	Saxton	Murphy	Rogers (KY)	Taylor (MS)
Reyes	Smith (WA)	Waters	DeGette	Linder	Sensenbrenner	Murtha	Rogers (MI)	Taylor (NC)
Reynolds	Snyder	Watson	DeLauro	Lofgren, Zoe	Shadegg	Musgrave	Ros-Lehtinen	Terry
Rogers (AL)	Solis	Waxman	Dingell	Maloney	Ross	Nadler	Roybal-Allard	Thomas
Rogers (KY)	Souder	Weiner	Doggett	Markey	Napolitano	Napitano	Neal (MA)	Thompson (CA)
Ros-Lehtinen	Spratt	Weldon (FL)	Eshoo	Marshall	Neal (MA)	Ruppersberger	Neugebauer	Thompson (MS)
Ross	Stark	Weldon (PA)	Farr	McCollum (MN)	Smith (WA)	Rush	Ney	Thornberry
Rothman	Stupak	Weller	Feeney	McCotter	Stark	Ryan (OH)	Northup	Tiahrt
Roybal-Allard	Sullivan	Westmoreland	Fitzpatrick (PA)	McGovern	Stearns	Ryan (WI)	Norwood	Tiberi
Ruppersberger	Sweeney	Wexler	Flake	McHenry	Tancredo	Ryun (KS)	Nunes	Towns
Rush	Tanner	Whitfield	Fox	McHugh	Tierney	Sabo	Nussle	Turner
Ryun (KS)	Tauscher	Wicker	Franks (AZ)	McKinney	Udall (CO)	Salazar	Ortiz	Upton
Salazar	Terry	Wilson (NM)	Garrett (NJ)	McNulty	Udall (NM)	Sánchez, Linda	Osborne	Velázquez
Sánchez, Linda	Thomas	Wolf	Gingrey	Menendez	Van Hollen	T.	Owens	Visclosky
T.	Thompson (CA)	Woolsey	Gohmert	Michaud	Walden (OR)	Schakowsky	Oxley	Wamp
Saxton	Thompson (MS)	Wu	Goode	Millender-	Walsh	Schiff	Pascrell	Wasserman
Schakowsky	Thornberry	Wynn	Harman	McDonald	Watson	Schwartz (PA)	Pastor	Schultz
Schiff	Tiahrt	Young (AK)	Hayworth	Miller, George	Waxman	Schwarz (MI)	Pearce	Waters
			Hensarling	Moore (WI)	Wexler	Scott (GA)	Peterson (MN)	Watt
			Hoekstra	Moran (VA)	Woolsey	Scott (VA)	Peterson (PA)	Weiner
			Holt	Myrick	Wu	Serrano	Petri	Weldon (FL)
			Honda	Obey		Sessions	Pickering	Weldon (PA)
						Shaw	Pitts	Weller
						Sherwood	Platts	Westmoreland
						Shimkus	Poe	Whitfield
						Shuster	Pombo	Wicker
						Simmons	Pomeroy	Wilson (NM)
						Simpson	Porter	Wilson (SC)
						Skelton	Price (GA)	Wolf
						Slaughter	Price (NC)	Wynn
						Smith (NJ)	Pryce (OH)	Young (AK)
						Smith (TX)		

NOT VOTING—12

Capps	Cunningham	Miller (FL)
Cardin	Gallegly	Oberstar
Carson	Kilpatrick (MI)	Platts
Cubin	McIntyre	Young (FL)

□ 1411

Messrs. ISRAEL, LOBIONDO, KOLBE, CASTLE, MOORE of Kansas, BARRETT of South Carolina, MEEK of Florida, CONAWAY, KUHL of New York, MELANCON, Mrs. TAUSCHER and Ms. WASSERMAN SCHULTZ changed their vote from “aye” to “no.”

Messrs. MCDERMOTT, PETRI, BROWN of Ohio, WATT, GUTKNECHT, SHUSTER, BURTON of Indiana, ISSA, ISTOOK, LARSON of Connecticut, MURTHA, EVANS, DELAHUNT, MEEHAN, SHADEGG, HERGER, KENNEDY of Rhode Island, LANGEVIN, DOYLE, RENZI, FARR, Ms. DELAURO, Ms. BALDWIN, Ms. MOORE of Wisconsin, Ms. DEGETTE, and Ms. MCCOLLUM changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 315, not voting 13, as follows:

[Roll No. 377]

AYES—105

Andrews	Barrow	Berkley
Baldwin	Bartlett (MD)	Blackburn
Barrett (SC)	Bass	Blumenauer

NOES—315

Abercrombie	Cuellar	Higgins
Ackerman	Culbertson	Hinchey
Aderholt	Cummings	Hinojosa
Akin	Davis (AL)	Hobson
Alexander	Davis (FL)	Holden
Allen	Davis (IL)	Hostettler
Baca	Davis (KY)	Hoyer
Bachus	Davis (TN)	Hulshof
Baird	Davis, Jo Ann	Hunter
Baker	Deal (GA)	Hyde
Barton (TX)	Delahunt	Israel
Bean	DeLay	Issa
Beauprez	Dent	Istook
Becerra	Diaz-Balart, L.	Jackson (IL)
Berman	Diaz-Balart, M.	Jackson-Lee
Berry	Dicks	(TX)
Biggart	Doolittle	Jefferson
Bilirakis	Doyle	Jenkins
Bishop (GA)	Drake	Jindal
Bishop (NY)	Dreier	Johnson (IL)
Bishop (UT)	Duncan	Johnson, E. B.
Blunt	Edwards	Johnson, Sam
Boehner	Ehlers	Jones (NC)
Bonilla	Emanuel	Jones (OH)
Bonner	Emerson	Kanjorski
Boozman	Engel	Kaptur
Boren	English (PA)	Keller
Boswell	Etheridge	Kelly
Boucher	Evans	Kennedy (MN)
Boustany	Everett	Kildee
Boyd	Fattah	King (IA)
Brady (PA)	Ferguson	King (NY)
Brady (TX)	Filner	Kingston
Brown (SC)	Foley	Kirk
Brown, Corrine	Forbes	Kline
Brown-Waite,	Ford	Knollenberg
Ginny	Fortenberry	LaHood
Burgess	Fossella	Lantos
Burton (IN)	Frank (MA)	Larsen (WA)
Butterfield	Frelinghuysen	Larson (CT)
Buyer	Gerlach	Latham
Calvert	Gibbons	LaTourette
Camp	Gilchrest	Leach
Cannon	Gillmor	Lee
Cantor	Gonzalez	Lewis (CA)
Capito	Goodlatte	Lewis (KY)
Capuano	Gordon	Lipinski
Cardoza	Granger	LoBiondo
Carnahan	Graves	Lowey
Carter	Green (WI)	Lucas
Case	Green, Al	Lungren, Daniel
Chandler	Green, Gene	E.
Clay	Grijalva	Lynch
Cleaver	Gutierrez	Mack
Clyburn	Gutknecht	Manzullo
Coble	Hall	Marchant
Cole (OK)	Harris	Matheson
Conaway	Hart	Matsui
Conyers	Hastings (FL)	McCarthy
Costa	Hastings (WA)	McCaul (TX)
Costello	Hayes	McCrery
Cox	Hefley	McDermott
Cramer	Herger	McKeon
Crenshaw	Herseth	McMorris

NOT VOTING—13

Capps	Gallegly	Pelosi
Cardin	Kilpatrick (MI)	Sanders
Carson	McIntyre	Young (FL)
Cubin	Miller (FL)	
Cunningham	Oberstar	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON)(during the vote). Members are advised that 2 minutes remain in this vote.

□ 1418

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. SIMPSON, Acting Chairman 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. 2864) 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, pursuant to House Resolution 346, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2864 will be followed by a 5-minute vote on the motion to suspend the rules on H. Con. Res. 191.

The vote was taken by electronic device, and there were—yeas 406, nays 14, not voting 13, as follows:

[Roll No. 378]

YEAS—406

Abercrombie	Camp	Emanuel
Ackerman	Cannon	Emerson
Aderholt	Cantor	Engel
Akin	Capito	English (PA)
Alexander	Capuano	Eshoo
Allen	Cardoza	Etheridge
Andrews	Carnahan	Evans
Baca	Carter	Everett
Bachus	Case	Farr
Baird	Castle	Fattah
Baker	Chabot	Feeney
Baldwin	Chandler	Ferguson
Barrett (SC)	Chocola	Finer
Barrow	Clay	Fitzpatrick (PA)
Bartlett (MD)	Cleaver	Foley
Barton (TX)	Clyburn	Forbes
Bass	Coble	Ford
Bean	Cole (OK)	Fortenberry
Beauprez	Conaway	Fossella
Becerra	Conyers	Foxx
Berkley	Costa	Frank (MA)
Berman	Costello	Frelinghuysen
Berry	Cox	Garrett (NJ)
Biggert	Cramer	Gerlach
Bilirakis	Crenshaw	Gibbons
Bishop (GA)	Crowley	Gilchrest
Bishop (NY)	Cuellar	Gillmor
Bishop (UT)	Culberson	Gingrey
Blackburn	Cummings	Gohmert
Blumenauer	Davis (AL)	Gonzalez
Blunt	Davis (CA)	Goode
Boehlert	Davis (FL)	Goodlatte
Bonilla	Davis (IL)	Gordon
Bonner	Davis (KY)	Granger
Bono	Davis (TN)	Graves
Boozman	Deal (GA)	Green (WI)
Boren	DeFazio	Green, Al
Boswell	DeGette	Green, Gene
Boucher	Delahunt	Grijalva
Boustany	DeLauro	Gutierrez
Boyd	DeLay	Gutknecht
Bradley (NH)	Dent	Harman
Brady (PA)	Diaz-Balart, L.	Harris
Brady (TX)	Diaz-Balart, M.	Hart
Brown (OH)	Dicks	Hastings (FL)
Brown (SC)	Dingell	Hastings (WA)
Brown, Corrine	Doggett	Hayes
Brown-Waite,	Doolittle	Hayworth
Ginny	Doyle	Hefley
Burgess	Drake	Heger
Burton (IN)	Dreier	Herseth
Butterfield	Duncan	Higgins
Buyer	Edwards	Hinchev
Calvert	Ehlers	Hinojosa

Hobson	McKinney
Hoekstra	McMorris
Holden	McNulty
Holt	Meehan
Honda	Meek (FL)
Hoolley	Meeks (NY)
Hostettler	Melancon
Hoyer	Menendez
Hulshof	Mica
Hunter	Michaud
Hyde	Millender-
Inslee	McDonald
Israel	Miller (MI)
Issa	Miller (NC)
Istook	Miller, Gary
Jackson (IL)	Miller, George
Jackson-Lee	Mollohan
(TX)	Moore (KS)
Jefferson	Moore (WI)
Jenkins	Moran (KS)
Jindal	Moran (VA)
Johnson (CT)	Murphy
Johnson (IL)	Murtha
Johnson, E. B.	Musgrave
Johnson, Sam	Myrick
Jones (NC)	Nadler
Jones (OH)	Napolitano
Kanjorski	Neal (MA)
Kaptur	Neugebauer
Keller	Ney
Kelly	Northup
Kennedy (MN)	Norwood
Kennedy (RI)	Nunes
Kildee	Nussle
Kind	Obey
King (IA)	Oliver
King (NY)	Ortiz
Kingston	Osborne
Kirk	Otter
Kline	Owens
Knollenberg	Oxley
Kolbe	Pallone
Kucinich	Pascrell
Kuhl (NY)	Pastor
LaHood	Payne
Langevin	Pearce
Lantos	Pence
Larsen (WA)	Peterson (MN)
Larson (CT)	Peterson (PA)
Latham	Petri
LaTourette	Pickering
Leach	Pitts
Lee	Platts
Levin	Poe
Lewis (CA)	Pombo
Lewis (GA)	Pomeroy
Lewis (KY)	Porter
Linder	Price (GA)
Lipinski	Price (NC)
LoBiondo	Pryce (OH)
Lofgren, Zoe	Putnam
Lowe	Radanovich
Lucas	Rahall
Lungren, Daniel	Ramstad
E.	Rangel
Lynch	Regula
Mack	Rehberg
Maloney	Reichert
Manzullo	Renzi
Marchant	Reyes
Markey	Reynolds
Marshall	Rogers (AL)
Matheson	Rogers (KY)
Matsui	Rogers (MI)
McCarthy	Rohrabacher
McCaul (TX)	Ros-Lehtinen
McCollum (MN)	Ross
McCotter	Rothman
McCrery	Roybal-Allard
McDermott	Ruppersberger
McGovern	Rush
McHenry	Ryan (OH)
McHugh	Ryan (WI)
McKeon	Ryun (KS)

NAYS—14

Boehner	Franks (AZ)
Cooper	Hensarling
Davis, Jo Ann	Inglis (SC)
Davis, Tom	Paul
Flake	Royce

NOT VOTING—13

Capps	Gallegly
Cardin	Hall
Carson	Kilpatrick (MI)
Cubin	McIntyre
Cunningham	Miller (FL)

Sabo	Salazar
Sanchez, Linda	T.
T.	Sanchez, Loretta
Sanders	Saxton
Schakowsky	Schiff
Schwartz (PA)	Schwartz (MI)
Schwarz (MI)	Scott (GA)
Scott (VA)	Scott (VA)
Serrano	Sessions
Shaw	Shays
Shays	Sherman
Sherman	Sherwood
Shimkus	Shuster
Simmons	Simpson
Simpson	Skelton
Slaughter	Smith (NJ)
Smith (TX)	Smith (TX)
Smith (WA)	Snyder
Snyder	Sodrel
Sodrel	Solis
Solis	Souder
Souder	Spratt
Spratt	Stark
Stark	Strickland
Strickland	Stupak
Stupak	Sullivan
Sullivan	Sweeney
Sweeney	Tanner
Tanner	Tauscher
Tauscher	Taylor (MS)
Taylor (MS)	Taylor (NC)
Taylor (NC)	Terry
Terry	Thomas
Thomas	Thompson (CA)
Thompson (CA)	Thompson (MS)
Thompson (MS)	Thornberry
Thornberry	Tiahrt
Tiahrt	Tiberi
Tiberi	Tierney
Tierney	Towns
Towns	Turner
Turner	Udall (CO)
Udall (CO)	Udall (NM)
Udall (NM)	Upton
Upton	Van Hollen
Van Hollen	Velazquez
Velazquez	Visclosky
Visclosky	Walden (OR)
Walden (OR)	Walsh
Walsh	Wamp
Wamp	Wasserman
Wasserman	Schultz
Schultz	Waters
Waters	Watson
Watson	Watt
Watt	Waxman
Waxman	Weiner
Weiner	Weldon (FL)
Weldon (FL)	Weldon (PA)
Weldon (PA)	Weller
Weller	Westmoreland
Westmoreland	Wexler
Wexler	Whitfield
Whitfield	Wicker
Wicker	Wilson (NM)
Wilson (NM)	Wilson (SC)
Wilson (SC)	Wolf
Wolf	Woolsey
Woolsey	Wu
Wu	Wynn
Wynn	Young (AK)
Young (AK)	

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Mr. ROYCE and Mr. INGLIS of South Carolina changed their vote from “yea” to “nay.”

Mrs. JONES of Ohio changed her vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

The SPEAKER pro tempore (Mr. BASS). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 191, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 191, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 379]

YEAS—399

Abercrombie	Burton (IN)	Diaz-Balart, M.
Ackerman	Butterfield	Dicks
Aderholt	Buyer	Dingell
Akin	Calvert	Doggett
Alexander	Camp	Doolittle
Allen	Cannon	Doyle
Andrews	Cantor	Drake
Baca	Capito	Dreier
Bachus	Capuano	Duncan
Baird	Cardoza	Edwards
Baker	Carnahan	Ehlers
Baldwin	Carter	Emanuel
Barrett (SC)	Case	Emerson
Barrow	Castle	Engel
Berkley	Chabot	English (PA)
Berman	Chandler	Eshoo
Berry	Coble	Etheridge
Biggert	Clay	Evans
Bilirakis	Cleaver	Farr
Bishop (GA)	Clyburn	Fattah
Bishop (NY)	Coble	Feeney
Bishop (UT)	Cole (OK)	Ferguson
Blackburn	Conaway	Finer
Blumenauer	Conyers	Fitzpatrick (PA)
Blunt	Cooper	Flake
Boehlert	Costa	Foley
Bonilla	Costello	Forbes
Bonner	Cox	Ford
Bono	Cramer	Fortenberry
Boozman	Crenshaw	Fossella
Boren	Crowley	Foxx
Boswell	Cuellar	Frank (MA)
Boucher	Culberson	Franks (AZ)
Boustany	Cummings	Garrett (NJ)
Boyd	Davis (AL)	Gerlach
Bradley (NH)	Davis (CA)	Gibbons
Brady (PA)	Davis (IL)	Gilchrest
Brady (TX)	Davis (KY)	Gillmor
Brown (OH)	Davis (TN)	Gingrey
Brown (SC)	Davis, Jo Ann	Gohmert
Brown, Corrine	Davis, Tom	Gonzalez
Brown-Waite,	Deal (GA)	Goode
Ginny	DeFazio	Goodlatte
Burgess	DeGette	Granger
Burton (IN)	DeLauro	Graves
Butterfield	DeLay	Green (WI)
Buyer	Dent	Green, Al
Calvert	Diaz-Balart, L.	Green, Gene