evacuation will proceed at a pace of 1,000 Americans a day. Since a Swedish ship departed today with over 1,000 Scandinavians and other Europeans and with some 200 Americans on board, it is difficult to understand why we cannot marshal the resources to evacuate our citizens more quickly.

I have also received many calls from constituents who were appalled to learn that one of the first things that Americans trapped in Lebanon hear from the State Department is that they will be charged for the cost of their evacuation to Cyprus. The United States must make clear to all the parties involved that we will move quickly to evacuate our citizens. Those Americans should not bear the costs of this regional crisis.

Secretary Rice has emphasized the need to safeguard civilian lives and to ''create sustainable conditions for political progress.''

The Israeli soldiers who are being held hostage by Hezbollah, and the soldier captured by Hamas, must be released immediately and unconditionally. The rocket attacks on Israel, which began long before this new phase of the conflict, must end. All the parties involved must commit to abide by United Nations Security Council Resolution 1559, which was adopted in 2004. This resolution requires that all militias, including Hezbollah, be disarmed and disbanded.

All of these principles are embodied in the legislation passed by the Senate today, along with an absolutely clear statement that we stand with Israel. To make these principles a reality and to protect the lives of the innocent civilians caught in the crossfire in both Israel and Lebanon will clearly require sustained U.S. engagement in a regional solution.

Mr. FRIST. Mr. President, I urge adoption of the resolution.

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

The resolution (S. Res. 534) was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004) calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to S. 728, the Water Resources Development Act, under the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 728) to provide for the consideration 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. 728

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.—The table of contents of this Act is as follows:

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

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana coastal area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

SUBTITLE A—PROVISIONS

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Recreational areas and project sites.
Sec. 2005. Fiscal transparency report.
Sec. 2006. Planning.
Sec. 2007. Independent reviews.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.

Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Corps of Engineers hydropower operation and maintenance funding.
Sec. 2021. Federal hopper dredges.
Sec. 2022. Obstruction to navigation.

SUBTITLE B—CONTINUING AUTHORITIES PROJECTS

Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation or removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Augusta and Clarendon, Arkansas.
Sec. 3005. St. Francis Basin, Arkansas and Missouri.
Sec. 3006. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3007. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3008. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. [3008] *3009*. Cache Creek Basin, California.
Sec. [3009] *3010*. Hamilton Airfield, California.
Sec. [3010] *3011*. LA–3 dredged material ocean disposal site designation, California.
Sec. [3011] *3012*. Larkspur Ferry Channel, California.
Sec. [3012] *3013*. Llagas Creek, California.
Sec. [3013] *3014*. Los Angeles Harbor, California.
Sec. [3014] *3015*. Magpie Creek, California.
Sec. [3015] *3016*. Pine Flat Dam fish and wildlife habitat, California.
Sec. [3016] *3017*. Redwood City navigation project, California.
Sec. [3017] *3018*. Sacramento and American Rivers flood control, California.
Sec. [3018] *3019*. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. [3019] *3020*. Salton Sea restoration, California.
Sec. [3020] *3021*. Upper Guadalupe River, California.
Sec. [3021] *3022*. Yuba River Basin project, California.
Sec. [3022] *3023*. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. [3023] *3024*. Anchorage area, New London Harbor, Connecticut.
Sec. [3024] *3025*. Norwalk Harbor, Connecticut.
Sec. [3025] *3026*. St. George's Bridge, Delaware.
Sec. [3026] *3027*. Christina River, Wilmington, Delaware.
Sec. [3027] *3028*. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. [3028] *3029*. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. [3029] *3030*. Jacksonville Harbor, Florida.
Sec. [3030] *3031*. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. [3031] *3032*. Lido Key, Sarasota County, Florida.
Sec. [3032] *3033*. Tampa Harbor, Cut B, Tampa, Florida.
Sec. [3033] *3034*. Allatoona Lake, Georgia.
Sec. [3034] *3035*. Dworshak Reservoir improvements, Idaho.
Sec. [3035] *3036*. Little Wood River, Gooding, Idaho.
Sec. [3036] *3037*. Port of Lewiston, Idaho.
Sec. [3037] *3038*. Cache River Levee, Illinois.
Sec. 3039. Chicago, Illinois.
Sec. [3038] *3040*. Chicago River, Illinois.
Sec. [3039] *3041*. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. [3040] *3042*. Spunky Bottom, Illinois.
Sec. [3041] *3043*. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. [3042] *3044*. Harry S. Truman Reservoir, Milford, Kansas.
Sec. [3043] *3045*. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
Sec. [3044] *3046*. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. [3045] *3047*. Calcasieu River and Pass, Louisiana.
Sec. 3048. Larose to Golden Meadow, Louisiana.
Sec. [3046] *3049*. East Baton Rouge Parish, Louisiana.
Sec. [3047] *3050*. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. [3048] *3051*. Camp Ellis, Saco, Maine.
Sec. [3049] *3052*. Union River, Maine.
Sec. [3050] *3053*. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. [3051] *3054*. Cumberland, Maryland.
Sec. [3052] *3055*. Fall River Harbor, Massachusetts and Rhode Island.
Sec. [3053] *3056*. St. Clair River and Lake St. Clair, Michigan.
Sec. [3054] *3057*. Duluth Harbor, Minnesota.
Sec. [3055] *3058*. Land exchange, Pike County, Missouri.
Sec. [3056] *3059*. Union Lake, Missouri.
Sec. [3057] *3060*. Fort Peck Fish Hatchery, Montana.
Sec. 3061. Yellowstone River and tributaries, Montana and North Dakota.
Sec. [3058] *3062*. Lower Truckee River, Mccarran Ranch, Nevada.
Sec. [3059] *3063*. Middle Rio Grande restoration, New Mexico.
Sec. [3060] *3064*. Long Island Sound oyster restoration, New York and Connecticut.
Sec. [3061] *3065*. Orchard Beach, Bronx, New York.
Sec. [3062] *3066*. New York Harbor, New York, New York.
Sec. [3063] *3067*. Onondaga Lake, New York.
Sec. [3064] *3068*. Missouri River restoration, North Dakota.
Sec. [3065] *3069*. Lower Girard Lake Dam, Girard, Ohio.
Sec. [3066] *3070*. Toussaint River navigation project, Carroll Township, Ohio.
Sec. [3067] *3071*. Arcadia Lake, Oklahoma.
Sec. 3072. Oklahoma Lake demonstration, Oklahoma.
Sec. [3068] *3073*. Waurika Lake, Oklahoma.
Sec. [3069] *3074*. Lookout Point, Dexter Lake project, Lowell, Oregon.
Sec. [3070] *3075*. Upper Willamette River Watershed ecosystem restoration.
Sec. [3071] *3076*. Tioga Township, Pennsylvania.
Sec. [3072] *3077*. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. [3073] *3078*. Cooper River Bridge demolition, Charleston, South Carolina.
Sec. [3074] *3079*. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. [3075] *3080*. Missouri River restoration, South Dakota.
Sec. [3076] *3081*. Missouri and Middle Mississippi Rivers enhancement project.
Sec. [3077] *3082*. Anderson Creek, Jackson and Madison Counties, Tennessee.
Sec. [3078] *3083*. Harris Fork Creek, Tennessee and Kentucky.
Sec. [3079] *3084*. Nonconnah Weir, Memphis, Tennessee.
Sec. [3080] *3085*. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. [3081] *3086*. Sandy Creek, Jackson County, Tennessee.
Sec. [3082] *3087*. Cedar Bayou, Texas.
Sec. [3083] *3088*. Freeport Harbor, Texas.
Sec. [3084] *3089*. Harris County, Texas.
Sec. [3085] *3090*. Dam remediation, Vermont.
Sec. [3086] *3091*. Lake Champlain eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. [3087] *3092*. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
Sec. [3088] *3093*. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
Sec. [3089] *3094*. Lake Champlain Watershed, Vermont and New York.
Sec. [3090] *3095*. Chesapeake Bay oyster restoration, Virginia and Maryland.
Sec. [3091] *3096*. Tangier Island Seawall, Virginia.
Sec. [3092] *3097*. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. [3093] *3098*. Lower granite pool, Washington.
Sec. [3094] *3099*. Mcnary Lock and Dam, Mcnary National Wildlife Refuge, Washington and Idaho.
Sec. [3095] *3100*. Snake River project, Washington and Idaho.
Sec. [3096] *3101*. Marmet Lock, Kanawha River, West Virginia.
Sec. [3097] *3102*. Lower Mud River, Milton, West Virginia.
Sec. 3103. Green Bay Harbor Project, Green Bay, Wisconsin.
Sec. [3098] *3104*. Underwood Creek diversion facility project, Milwaukee County, Wisconsin.
Sec. [3099] *3105*. Mississippi River headwaters reservoirs.
Sec. [3100] *3106*. Lower Mississippi River Museum and Riverfront Interpretive Site.

Sec. [3101] *3107*. Pilot program, Middle Mississippi River.
Sec. [3102] *3108*. Upper Mississippi River system environmental management program.
Sec. 3109. Great Lakes fishery and ecosystem restoration program.
Sec. 3110. Great Lakes remedial action plans and sediment remediation.
Sec. 3111. Great Lakes tributary models.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil.
Sec. 4002. National port study.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Selenium study, Colorado.
Sec. 4005. Nicholas Canyon, Los Angeles, California.
Sec. 4006. Oceanside, California, shoreline special study.
Sec. 4007. Comprehensive flood protection project, St. Helena, California.
Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4009. South San Francisco Bay shoreline study, California.
Sec. 4010. San Pablo Bay Watershed restoration, California.
Sec. 4011. Bubbly Creek, South Fork of South Branch, Chicago, Illinois.
Sec. 4012. Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.
Sec. [4011] *4013*. Lake Erie at Luna Pier, Michigan.
Sec. [4012] *4014*. Middle Bass Island State Park, Middle Bass Island, Ohio.
Sec. [4013] *4015*. Jasper County port facility study, South Carolina.
Sec. [4014] *4016*. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.
Sec. 5002. Estuary restoration.
Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5005. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
Sec. 5006. Rio Grande environmental management program, New Mexico.
Sec. 5007. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota.
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TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama.
Sec. 6002. Goleta and vicinity, California.
Sec. 6003. Bridgeport Harbor, Connecticut.
Sec. 6004. Bridgeport, Connecticut.
Sec. 6005. Hartford, Connecticut.
Sec. 6006. New Haven, Connecticut.
Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
Sec. 6008. Central and southern Florida, Everglades National Park, Florida.
Sec. 6009. Shingle Creek Basin, Florida.
Sec. 6010. Brevoort, Indiana.
Sec. 6011. Middle Wabash, Greenfield Bayou, Indiana.
Sec. 6012. Lake George, Hobart, Indiana.
Sec. 6013. Green Bay Levee and Drainage District No. 2, Iowa.
Sec. 6014. Muscatine Harbor, Iowa.
Sec. 6015. Big South Fork National River and Recreational Area, Kentucky and Tennessee.
Sec. 6016. Eagle Creek Lake, Kentucky.
Sec. 6017. Hazard, Kentucky.
Sec. 6018. West Kentucky tributaries, Kentucky.
Sec. 6019. Bayou Cocodrie and tributaries, Louisiana.
Sec. 6020. Bayou Lafourche and Lafourche Jump, Louisiana.
Sec. 6021. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
Sec. 6022. Fort Livingston, Grand Terre Island, Louisiana.
Sec. 6023. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
Sec. 6024. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
Sec. 6025. Casco Bay, Portland, Maine.
Sec. 6026. Northeast Harbor, Maine.
Sec. 6027. Penobscot River, Bangor, Maine.
Sec. 6028. Saint John River Basin, Maine.
Sec. 6029. Tenants Harbor, Maine.
Sec. 6030. Grand Haven Harbor, Michigan.
Sec. 6031. Greenville Harbor, Mississippi.
Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.
Sec. 6033. Epping, New Hampshire.
Sec. 6034. Manchester, New Hampshire.
Sec. 6035. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
Sec. 6036. Eisenhower and Snell Locks, New York.
Sec. 6037. Olcott Harbor, Lake Ontario, New York.
Sec. 6038. Outer Harbor, Buffalo, New York.
Sec. 6039. Sugar Creek Basin, North Carolina and South Carolina.
Sec. 6040. Cleveland Harbor 1958 Act, Ohio.
Sec. 6041. Cleveland Harbor 1960 Act, Ohio.
Sec. 6042. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
Sec. 6043. Columbia River, Seafarers Memorial, Hammond, Oregon.
Sec. 6044. Chartiers Creek, Cannonsburg (Houston Reach Unit 2b), Pennsylvania.
Sec. 6045. Schuylkill River, Pennsylvania.
Sec. 6046. Tioga-Hammond Lakes, Pennsylvania.
Sec. 6047. Tamaqua, Pennsylvania.
Sec. 6048. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6049. Quonset Point-Davisville, Rhode Island.
Sec. 6050. Arroyo Colorado, Texas.
Sec. 6051. Cypress Creek-Structural, Texas.
Sec. 6052. East Fork Channel Improvement, Increment 2, east fork of the Trinity River, Texas.
Sec. 6053. Falfurrias, Texas.
Sec. 6054. Pecan Bayou Lake, Texas.
Sec. 6055. Lake of the Pines, Texas.
Sec. 6056. Tennessee Colony Lake, Texas.
Sec. 6057. City Waterway, Tacoma, Washington.
Sec. 6058. Kanawha River, Charleston, West Virginia.

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.

(a) PROJECTS WITH CHIEF'S REPORTS.—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 HARBOR, ALASKA.—The project for navigation, Akutan, Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,800,000 and an estimated non-Federal cost of $2,400,000.

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

(3) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $67,457,000, with an estimated Federal cost of $43,421,000 and an estimated non-Federal cost of $24,036,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem 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.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), 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.

(6) 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.

(7) 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.

(8) 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 [$48,839,000] *$51,362,000*.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, 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.

[(10) NAPA RIVER SALT MARSH, CALIFORNIA.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $58,412,000, with an estimated Federal cost of $37,740,000 and an estimated non-Federal cost of $20,672,000.]

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, 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, to be carried out by the Secretary substantially in accordance

with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct 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 to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem 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.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, South Florida, at a total cost of $1,210,608,000, with an estimated first Federal cost of $605,304,000, and an estimated first non-Federal cost of $605,304,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers, dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) 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, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000, and an estimated non-Federal cost of $56,281,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000, and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 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, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000, and an estimated non-Federal cost of $21,994,000.

(13) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, 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.

(14) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem 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.

(15) 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 are to be paid [half] ½ from amounts appropriated from the general fund of the Treasury and [half] ½from amounts appropriated from the Inland Waterways Trust Fund.

(16) 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) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(17) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(18) 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.

(19) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $64,872,000, with an estimated Federal cost of $42,168,000 and an estimated non-Federal cost of $22,704,000, and at an estimated total cost of $107,990,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $53,995,000 and an estimated non-Federal cost of $53,995,000.

(20) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem 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.

(21) 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.

(22) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem 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.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subsection (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(23) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, 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.

(24) 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.

(25) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem 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.

(26) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $35,573,000.

(27) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $109,850,000, with a Federal cost of $66,425,000, and a non-Federal cost of $43,425,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers, dated September 27, 2004.

(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) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida, at a total cost of $121,126,000, with an estimated Federal cost of $64,843,000 and an estimated non-Federal cost of $56,283,000.

(2) PICAYUNE STRAND, FLORIDA.—The project for ecosystem 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, subject to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(3) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, 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.

(4) 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.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $180,000,000, with an estimated Federal cost of $117,000,000 and an estimated non-Federal cost of $63,000,000.

(6) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey, at a total cost of $105,544,000, with an estimated Federal cost of $68,603,600, and an estimated non-Federal cost of $36,940,400, and at an estimated total cost of $2,315,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $1,157,500, and an estimated non-Federal cost of $1,157,500.

(7) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, Suffolk County, New York, at a total cost of $12,000,000, with an estimated Federal cost of $7,800,000 and an estimated non-Federal cost of $4,200,000.

(8) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $20,000,000, with an estimated Federal cost of $13,000,000 and an estimated non-Federal cost of $7,000,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

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

(1) PLAN.—The term ''Plan'' means the preferred integrated plan contained in the document entitled ''Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR–IWW System Navigation Feasibility Study'' and dated September 24, 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.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $235,000,000 for fiscal years beginning October 1, 2004. 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. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, 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.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $1,795,000,000 for fiscal years beginning October 1, 2004. The costs of construction on 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. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) 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.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) 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.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph 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 or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) 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 section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise 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.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to carry out this subsection for fiscal years beginning October 1, 2005, $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 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—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) 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.

(iii) CO-CHAIRPERSONS.—The Secretary and the Secretary of the Interior shall serve as co-chairpersons of the advisory panel.

(iv) 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.).

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana or the State of Mississippi; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(d) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem; and

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan.

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a); and

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a).

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (d).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(f) MISSISSIPPI RIVER GULF OUTLET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for modifying the Mississippi River Gulf Outlet that addresses—

(A) wetland losses attributable to the Mississippi River Gulf Outlet;

(B) channel bank erosion;

(C) hurricane storm surges;

(D) saltwater intrusion;

(E) navigation interests; and

(F) environmental restoration.

(2) REPORT.—[The] *If necessary, the* Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet, including measures to prevent the intrusion of saltwater into the Outlet.

(g) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this [subsection] *section*.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana [and Mississippi]) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(h) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

[(i) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify the cause of any degradation of the Louisiana Coastal Area ecosystem that occurs as a result of an activity under this section.

(j) REPORT.—Not later than July 1, 2006, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report describing the features included in table 3 of the report described in subsection (a).]

(i) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCE.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program authorized under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(j) REPORT.—Not later than July 1, 2006, the Secretary shall submit to Congress a feasibility report on the features included in table 3 of the report described in subsection (a).

(k) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) AUTHORIZATION.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

[(2)] *(3)* PUBLIC NOTICE AND COMMENT.—Before [modifying an operation or feature of a project under paragraph (1)(B),] *completing the report required under paragraph (4),* the Secretary shall provide an opportunity for public notice and comment.

[(3)] *(4)* REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), 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 a report describing the modification.

(B) INCLUSION.—A report under [paragraph (2)(B)] *subparagraph (A)* shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

[(4)] *(5)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

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

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

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

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

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

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

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(5) OUTER CHANNEL AND INNER HARBOR, MENOMINEE, WISCONSIN.—Project for navigation, Menominee Harbor, Michigan and Wisconsin.

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

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

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

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

[(1) by striking ''**SEC. 221** (a) After'' and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After''; and

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(2) FUTURE APPROPRIATIONS.—In any''; and

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

*(1) by striking ''**SEC. 221**'' and inserting the following:*

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS."

; and

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

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''[(3)] *(4)* CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

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

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2006''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from *the non-Federal interest, including* the private sector, 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 from [the private sector] *a non-Federal interest* 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. 2004. RECREATIONAL AREAS AND PROJECT SITES.

(a) CONSTRUCTION AND OPERATION OF PUBLIC PARKS AND RECREATIONAL FACILITIES IN WATER RESOURCE DEVELOPMENT PROJECTS; LEASE OF LANDS; PREFERENCE FOR USE; PENALTY; APPLICATION OF SECTION 3401 OF TITLE 18, UNITED STATES CODE; CITATIONS AND ARRESTS WITH AND WITHOUT PROCESS; LIMITATIONS; DISPOSITION OF RECEIPTS.—Section 4 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (16 U.S.C. 460d) is amended—

(1) in the second sentence—

(A) by striking ''*Provided*, That leases'' and all that follows through ''premises'' and inserting the following: ''*Provided*, That any new lease granted under this section to a nonprofit organization for park and recreational purposes, and any new lease or license granted to a Federal, State, or local governmental agency for any public purpose, shall include a provision requiring that consideration for the grant of the lease or license shall be at least sufficient to pay the costs of administering the grant, as determined by the Secretary of the Army''; and

(B) by striking ''*Provided further*, That preference'' and all that follows through ''*And provided*'' and inserting ''*Provided*''; and

(2) by striking the last sentence and inserting the following: ''Any funds received by the United States for a lease or privilege granted under this section shall be deposited and made available in accordance with section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3).''.

(b) RECREATIONAL USER FEES.—Section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary of the Army shall carry out a recreation user fee program to recover from users of recreation areas and project sites under the jurisdiction of the Corps of Engineers the portion of costs associated with operating and maintaining those recreation areas and project sites.'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''ADMISSION AND USER'' before ''FEES'';

(B) by striking paragraphs (3) and (4);

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

(D) in paragraph (1), by striking ''but excluding'' and all that follows and inserting the following: '', including fees—

''(A) for admission to the recreation area or project site of an individual or group; and

''(B) for the use by an individual or group of an outdoor recreation area, a facility, a visitors' center, a piece of equipment, or a service at the recreation area or project site.'';

(E) by inserting after paragraph (1) the following:

''(2) AMOUNT.—The Secretary of the Army shall determine the amount of a fee established and collected under paragraph (1) based on the fair market value, taking into consideration any comparable recreation fee for admission to, or use of, the recreation area or project site.'';

(F) in paragraph (3) (as redesignated by subparagraph (C))—

(i) by striking ''picnic tables'';

(ii) by striking ''surface water areas''; and

(iii) by striking ''or general visitor information'' and inserting ''general visitor information, or a project site or facility that includes only a boat launch ramp and a courtesy dock''; and

(G) by inserting after paragraph (3) (as redesignated by subparagraph (C)) the following:

''(4) CONTRACTS AND SERVICES.—The Secretary of the Army may—

''(A) enter into a contract (including a contract that provides for a reasonable commission, as determined by the Secretary) with any public or private entity to provide a visitor service for a recreation area or project site under this section, including the taking of reservations and the provision of information regarding the recreation area or project site; and

''(B) accept the services of a volunteer to collect a fee established and collected under paragraph (1).

''(5) DEPOSIT INTO TREASURY ACCOUNT.—

''(A) IN GENERAL.—Any fee collected under this subsection shall—

''(i) be deposited into the Treasury account for the Corps of Engineers established by section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)); and

''(ii) be made available until expended to the Secretary of the Army, without further appropriation, for use for the purposes described in section 4(i)(3) of that Act (16 U.S.C. 460*l*–6a(i)(3)).

''(B) LIMITATION.—Not more than 80 percent of a fee established and collected at a recreational area or project site under this subsection shall be made available to pay the costs of a water resources development project under the jurisdiction of the Corps of Engineers located at the recreational area or project site.''; and

(3) by adding at the end the following:

''(c) OTHER FEES.—Any fee established and collected at a recreational area or project site under subsection (b) shall be considered to be established and collected in lieu of a similar fee established and collected at the recreational area or project site under any other provision of law.''.

(c) ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS.—Section 4(i)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(3)) is amended—

(1) in the first sentence, by striking ''For'' and inserting the following:

''(A) IN GENERAL.—For'';

(2) by striking the second sentence and inserting the following:

''(B) USE OF FUNDS.—To the maximum extent practicable, funds under this subsection shall be used for a purpose described in subparagraph (A) that is directly related to the activity through which the funds were generated, including water-based recreational activities and camping.''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF ARMY SITES.—Any funds under this subsection may be used at a project site of the Department of the Army to pay the costs of—

''(i) a repair or maintenance project (including a project relating to public health and safety);

''(ii) an interpretation project;

''(iii) signage;

''(iv) habitat or facility enhancement;

''(v) resource preservation;

''(vi) annual operation (including collection of fees and costs of administering grants under section 4 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (16 U.S.C. 460d);

''(vii) law enforcement relating to public use; and

''(viii) planning.''.

(d) CONFORMING AMENDMENT.—Section 225 of the Water Resources Development Act of 1999 (16 U.S.C. 460*l*–6a note; Public Law 106–53) is repealed.

SEC. 2005. 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 of Environment and Public Works of the Senate and the Transportation and Infrastructure Committee of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for 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.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2006. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

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

(1) in subsection (a), by inserting before ''This subsection shall not apply'' the following: ''The Secretary shall establish a plan and schedule to periodically update and revise the planning guidelines, regulations, and circulars of the Corps of Engineers to improve the analysis of water resource projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs, as the Secretary determines appropriate.''; and

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

''(c) COST-BENEFIT ANALYSIS.—Recommendation of a feasibility study shall be based on an analysis of the benefits and costs, both quantified and unquantified, that—

''(1) identifies areas of risk and uncertainty in the analysis;

''(2) clearly describes the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the physical project construction schedule as the schedule affects the estimated benefits and costs;

''(3) identifies national, regional, and local economic costs and benefits;

''(4) identifies environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems;

''(5) identifies social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage; and

''(6) identifies cultural and historical costs and benefits.''.

(c) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study;

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280); and

(4) shall—

(A) identify and review all critical methods, models, and procedures used in the planning process of the Corps of Engineers to formulate and evaluate water resource projects;

(B) identify other existing or new methods, models, or procedures that may enhance the water resource planning process;

(C) establish a systematic process for evaluating and validating the effectiveness and efficiency of all methods, models, and procedures;

(D) develop and maintain a set of approved methods, models, and procedures to be applied to the water resource planning process across the Corps of Engineers;

(E) develop and maintain effective systems for technology transfer and support to provide state-of-the-art skills and knowledge to the workforce; and

(F) identify the discrete elements of studies and establish benchmarks for the resources required to implement elements to improve the timeliness and effectiveness of the water resource planning process.

(d) PROJECT PLANNING.—

(1) OBJECTIVES.—

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

(B) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resource 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 of the United States.

(C) 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 subparagraphs (A) and (B).

(D) SELECTION OF PROJECT ALTERNATIVES.—

(i) IN GENERAL.—Notwithstanding the Federal objectives identified in this paragraph, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason for selection of the alternative that is based on other Federal, State, local, or international concerns.

(ii) FLOOD AND HURRICANE AND STORM DAMAGE REDUCTION AND NAVIGATION PROJECTS.—With respect to a water resource project described in subparagraph (A), an overriding reason for selecting a project alternative other than the alternative that maximizes national economic development benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purposes but provides greater ecosystem restoration benefits or less adverse environmental impacts.

(iii) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resource project described in subparagraph (B), an overriding reason for selecting a project alternative other than the project alternative that maximizes national ecosystem restoration benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purpose but provides greater economic development benefits or less adverse economic impacts.

(2) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(A) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be economic, the Secretary may—

(i) identify ecosystem restoration benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(B) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be associated with ecosystem restoration, the Secretary may—

(i) identify economic benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(C) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—

(i) IN GENERAL.—Any additional measure, separable project, or element identified under subparagraph (A) or (B) and recommended for construction shall not be considered integral to the underlying project under study unless the Secretary determines, and the non-Federal interest agrees, that the measure, project, or element, is integral.

(ii) PARTNERSHIP AGREEMENT.—If authorized, the measure, project, or element shall be subject to a separate partnership agreement, unless the non-Federal interest agrees to share in the cost of the additional measure, project, or separable element.

(3) 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—

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

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

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

(e) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

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

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(f) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) NO EFFECT ON AUTHORITY OF CHIEF.—The Chief of Engineers—

(i) shall not, in the completion of reports of the Chief of Engineers to Congress, be subject to direction as to the contents, findings, or recommendation of the reports; and

(ii) shall be solely responsible for—

(I) those reports; and

(II) any related recommendations, including evaluations and recommendations for changes in law or policy that may be appropriate to attain the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, upon completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) 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.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with the Information Quality Act (section 515 of Public Law 106–554), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 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) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

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

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Chief of Engineers shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may 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 for technical and scientific sufficiency.

(7) 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 the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

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

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required

mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

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

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) 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)(i) a description of the physical action to be undertaken to achieve the mitigation objectives in the watershed in which the losses occur; and

''(ii) 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 quantity of types of land or interests in land that should be acquired for mitigation and the basis for a determination that the land are available for acquisition;

''(C) the type, quantity, and characteristics of the habitat being restored; and

''(D) 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 the 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, the entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(d) STATUS REPORT.—

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

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

SEC. 2009. STATE TECHNICAL ASSISTANCE.

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

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end 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 the 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 ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

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

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, 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 resource 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. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) 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) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''*(A) In general.*—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan 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 an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''*(B) Cost sharing.*—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

[''(3) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.**]**

''*(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.*

''**[**(4)**]** *(3)* OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the 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.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(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.''.

(b) REPEAL.—

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

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—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 to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) *applicable* university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration

project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and 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 describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 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. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. 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 shore protection projects 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; 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 in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES.—

(1) IN GENERAL.—Revenues collected in connection with water storage for municipal or industrial water supply at a reservoir operated by the Corps of Engineers for navigation, flood control, or multiple purpose projects shall be credited to the revolving fund established under section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 701b–10).

(2) AVAILABILITY.—

(A) DISTRICT FROM WHICH REVENUE IS RECEIVED.—

(i) IN GENERAL.—Subject to clause (ii), 80 percent of the revenue received from each District of the Corps of Engineers shall be available for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, any facility of the Corps of Engineers projects within that District.

(ii) SOURCE OF PAYMENTS.—With respect to each activity described in clause (i), costs of planning, operation, maintenance, replacements, and upgrades of a facility of the Corps of Engineers for the project shall be paid from available revenues received from [the] *that* project.

(B) AGENCY-WIDE.—20 percent of the revenue received from each District of the Corps of Engineers shall be available agency-wide for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, all Corps of Engineers projects.

(3) SPECIAL CASES.—

(A) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(B) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(C) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Notwithstanding the last sentence of section 5 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665; 16 U.S.C. 825s), the 11th paragraph under the heading ''OFFICE OF THE SECRETARY'' in title I of the Act of October 12, 1949 (63 Stat. 767, chapter 680; 16 U.S.C. 825s–1), the matter under the heading ''CONTINUING FUND, SOUTHEASTERN POWER ADMINISTRATION'' in title I of the Act of August 31, 1951 (65 Stat. 249, chapter 375; 16 U.S.C. 825s–2), section 3302 of title 31, United States Code, or any other law, and without further appropriation or fiscal year limitation, for fiscal year 2005 as set forth in subsection (c) and each fiscal year thereafter, the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration may credit to the Secretary of the Army (referred to in this section as the ''Secretary''), receipts from the sale of power and related services, in an amount determined under subsection (c).

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary—

(A) shall, except as provided in paragraph (2), use an amount credited under subsection (a) to fund only the Corps of Engineers annual operation and maintenance activities

that are allocated exclusively to the power function and assigned to the respective power marketing administration and respective project system as applicable for repayment; and

(B) shall not use an amount credited under subsection (a) for any cost allocated to a non-power function of Corps of Engineer operations.

(2) EXCEPTION.—The Secretary may use an amount credited by the Southwestern Power Administration under subsection (a) for capital and nonrecurring costs and may use an amount credited by Southeastern Power Administration for capital and nonrecurring costs, if no credit exceeds the rates on file at the Federal Energy Regulatory Commission for the Southeastern Power Administration.

(c) AMOUNT.—The amount credited under subsection (a) shall be equal to an amount that—

(1) the Secretary requests; and

(2) the appropriate Administrator, in consultation with the Secretary and the power customers of the power marketing administration of the Administrator, determines to be appropriate to apply to the costs referred to in subsection (b).

(d) CONSULTATION.—

(1) TIME FRAME.—Not later than the date that is 20 days after the date of enactment of this Act, the appropriate Administrator shall submit to the Appropriations Committee a report describing the time frame during which the consultation process described in subsection (c) shall be completed.

(2) FAILURE TO AGREE.—If the Secretary and the appropriate Administrator and customer representatives cannot agree on the amount to be credited under subsection (c), the appropriate Administrator shall determine the amount to be credited.

(e) APPLICABLE LAW.—An amount credited under subsection (a) is exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.).

SEC. 2021. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423) is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

''SEC. 563. HOPPER DREDGE MCFARLAND.

''Not later than 1 year after the date of enactment of the Water Resources Development Act of 2005, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge Mcfarland.''.

SEC. 2022. OBSTRUCTION TO NAVIGATION.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended by adding at the end the following: ''Nothing in this section shall be construed as to provide for the regulation of activities or structures on private property, unless the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines that such activity would pose a threat to the safe transit of maritime traffic.''.

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$75,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

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

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''25,000,000'' and inserting ''$50,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2)), by—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION OR REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) *(as amended by section 2001)* is amended—

[(1) in subsection (a)—

[(A) by striking ''After the date of enactment'' and inserting the following:

''**[**(1) IN GENERAL.—After the date of enactment'';

[(B) by striking ''under the provisions'' and all that follows through ''under any other'' and inserting ''under any'';

[(C) by inserting ''partnership'' after ''written'';

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

[(E) by inserting after ''$25,000.'' the following:

[''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.''; and

[(F) by striking ''In any such agreement'' and inserting the following:

[''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any agreement described in paragraph (1)'';**]**

[(2)**]** *(1)* by redesignating subsection (e) as subsection (g); and

[(3)**]** *(2)* by inserting after subsection (d) the following:

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting the following: ''injunction and payment of liquidated damages, for''; and

(ii) by striking ''to collect a civil penalty imposed under this section,''; and

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) 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.

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

SEC. 2040. PROGRAM NAMES.

[(a) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) is amended by striking ''**Sec.** 3. The Secretary'' and inserting the following:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

[''The Secretary''.

[(b) *Projects to Enhance Reduction of Flooding and Obtain Risk Minimization.***]**—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''**Sec.** 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. 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. 3002. 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 is necessary to correct design deficiencies in the element, at a Federal cost of $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3005. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3006. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land 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 Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land 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.

SEC. 3007. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements

in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941, is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' (55 Stat. 642, chapter 377) by inserting before the period at the end the following: ''*Provided*, That the Ouachita River Levees, Louisiana, authorized under the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569) shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3008. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. [3008] *3009.* CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. [3009] *3010.* 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 include the diked bayland parcel known as ''Bel Marin Keys Unit V '' at an estimated 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, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. [3010] *3011.* LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. [3011] *3012.* LARKSPUR FERRY CHANNEL, CALIFORNIA.

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

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. [3012] *3013.* 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 complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $95,000,000, with an estimated remaining Federal cost of $55,000,000, and an estimated remaining non-Federal cost of $40,000,000.

SEC. [3013] *3014.* LOS ANGELES HARBOR, CALIFORNIA.

Section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is amended by striking ''$153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000'' and inserting ''$222,000,000, with an estimated Federal cost of $72,000,000 and an estimated non-Federal cost of $150,000,000''.

SEC. [3014] *3015.* MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), 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 applicable to nonstructural flood control under 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) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. [3015] *3016.* PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) 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 document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

[(A)**]** *(B)* FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3016] *3017.* REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. [3017] *3018.* SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the costs of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, right-of-way, relocations, and environmental, mitigation for all project elements that the Secretary determines to be cost-effective.

(c) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

SEC. [3018] *3019*. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the 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 from the existing southern boundary of Pier 40 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 Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. [3019] *3020*. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, *except that the Secretary shall be a party to each contract for construction under this subsection*.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. [3020] *3021*. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $212,100,000, with an estimated Federal cost of $113,300,000 and an estimated non-Federal cost of $98,800,000.

SEC. [3021] *3022*. 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 to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal share of $70,000,000 and a non-Federal share of $37,700,000.

SEC. [3022] *3023*. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

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''.

SEC. [3023] *3024*. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. [3024] *3025*. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. [3025] *3026*. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility

by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. [3026] *3027*. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. [3027] *3028*. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. [3028] *3029*. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. [3029] *3030*. JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the report of the Chief of Engineers dated July 22, 2003, at an additional 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.

SEC. [3030] *3031*. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects 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 the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. [3031] *3032*. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on 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 $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. [3032] *3033*. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. [3033] *3034*. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land 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 land on the north side of Allatoona Lake that is required for wildlife management and 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 to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. [3034] *3035*. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. [3035] *3036*. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.) is modified to—

(1) direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

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

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

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

SEC. [3036] *3037*. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. [3037] *3038*. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3039. 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. [3038] *3040*. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. [3039] *3041*. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(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) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. [3040] *3042*. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. [3041] *3043*. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. [3042] *3044*. HARRY S. TRUMAN RESERVOIR, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

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

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) 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.

SEC. [3043] *3045*. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

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

[The public access features of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), are 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 in the Lower Atchafalaya Basin Flood for the public access feature of the Atchafalaya Basin Floodway System, Louisiana, to enhance fish and wildlife resources, at a total cost of $4,000,000.]

SEC. 3046. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 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 in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

SEC. [3045] *3047*. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3048. LAROSE TO GOLDEN MEADOW, LOUISIANA.

(a) IN GENERAL.—For the project for hurricane protection, Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), not later than 180 days after the date of enactment of this Act, the Secretary shall make the determination described in section 325 of the Water

Resources Development Act of 1999 (113 Stat. 304) regarding the technical feasibility, environmental acceptability, and economical justification of converting the Golden Meadow floodgate into a navigation lock.

(b) CONVERSION.—If the Secretary makes a favorable determination under subsection (a), or fails to make a favorable or unfavorable determination by the date specified in subsection (a), the conversion of the Golden Meadow floodgate to a navigation lock shall be considered to be authorized as a feature of the hurricane protection project referred to in subsection (a).

SEC. [3046] *3049*. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated [August] *December* 2004, at a total cost of $178,000,000.

SEC. [3047] *3050*. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), 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. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,000,000;

[(1)] *(2)* to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

[(2)] *(3)* to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. [3048] *3051*. 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 $20,000,000.

SEC. [3049] *3052*. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), 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 N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. [3050] *3053*. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. [3051] *3054*. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. [3052] *3055*. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, 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) FEASIBILITY.—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.

(c) LIMITATION.—The 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 that period, funds have been obligated for construction (including planning and design) of the project.

SEC. [3053] *3056*. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

(2) PARTNERSHIP.—The term ''Partnership'' means the partnership established by the Secretary under subsection (b)(1).

(b) PARTNERSHIP.—

(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

(B) develop and implement projects consistent with the management plan.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall—

(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

(C) plan, design, and implement projects consistent with the management plan; and

(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

(1) the management plan; and

(2) the strategic implementation plan developed under subsection (c)(1)(A).

(e) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

(A) shall be 25 percent of the total cost of the project or development; and

(B) may be provided through the provision of in-kind services.

(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

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

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

SEC. [3054] *3057*. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. [3055] *3058*. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right,

title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

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

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. [3056] *3059*. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, [2005] *2006*, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906) in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—Upon acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. [3057] *3060*. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3061. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. [3058] *3062*. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. [3059] *3063*. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3060] *3064*. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3061] *3065*. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. [3062] *3066*. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

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

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

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest 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.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for 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.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as so redesignated)—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. [3063] *3067*. 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. [3064] *3068*. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. [3065] *3069*. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. [3066] *3070*. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. [3067] *3071*. ARCADIA LAKE, OKLAHOMA.

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

SEC. 3072. OKLAHOMA LAKE DEMONSTRATION, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. [3068] *3073*. 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—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. [3069] *3074*. LOOKOUT POINT, DEXTER LAKE PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value to the community of Lowell, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 0.98 acres located in Lane County, Oregon.

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

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the United States Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

SEC. [3070] *3075*. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

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

SEC. [3071] *3076*. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public

ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) 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.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) 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.

SEC. [3072] *3077*. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 if the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

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

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. [3073] *3078*. COOPER RIVER BRIDGE DEMOLITION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary, at full Federal expense, may carry out all planning, design, and construction for—

(1) the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina; and

(2) using the remnants from that demolition and removal, the development of an aquatic reef off the shore of South Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $39,000,000.

SEC. [3074] *3079*. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are 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).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) 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 land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

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

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

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State 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 under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. [3075] *3080*. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. [3076] *3081*. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2015.''; and

(4) 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 undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. [3077] *3082*. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3078] *3083*. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33

U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. [3079] *3084*. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. [3080] *3085*. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly 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.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. [3081] *3086*. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3082] *3087*. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. [3083] *3088*. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. [3084] *3089*. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (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. [3085] *3090*. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. [3086] *3091*. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. [3087] *3092*. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. [3088] *3093*. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal

interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3089] *3094*. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or''; and

(2) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. [3090] *3095*. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$20,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. [3091] *3096*. 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 $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. [3092] *3097*. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

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

SEC. [3093] *3098*. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. [3094] *3099*. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. [3095] *3100*. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. [3096] *3101*. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.

Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking ''$229,581,000'' and inserting ''$358,000,000''.

SEC. [3097] *3102*. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3103. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized under 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 July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. [3098] *3104*. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

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

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

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

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. [3099] *3105*. 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.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. [3100] *3106*. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. [3101] *3107*. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. [3102] *3108*. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

SEC. 3109. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3110. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3111. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, 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 a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in [subsections (b) and (c)] *subsection (b)* in a timely manner.

[(b) NATIONAL ENVIRONMENTAL POLICY ACT ANALYSIS.—In carrying out the responsibility of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this section, the Secretary shall include consideration of—

[(1) the environmental impacts associated with transporting an equivalent quantity of goods on Federal, State, and county roads and such other alternative modes of transportation and alternative destinations as are estimated to be transported on the MKARN;

[(2) the impacts associated with air quality;

[(3) other human health and safety information (including premature deaths averted); and

[(4) the environmental and economic costs associated with the dredging of any site on the MKARN, to the extent that the site would be dredged if the MKARN were authorized to a 9-foot depth.]

[c)] *(b)* SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

In carrying out the feasibility phase of the South San Francisco Bay shoreline study, the Secretary shall use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized under section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. BUBBLY CREEK, SOUTH FORK OF SOUTH BRANCH, CHICAGO RIVER, ILLINOIS.

The Secretary shall conduct a study of the feasibility of carrying out ecosystem restoration and any other related activity along the South Fork of the South Branch of the Chicago River, Illinois (commonly known as ''Bubbly Creek'').

SEC. 4012. GRAND AND TIGER PASSES AND BAPTISTE COLLETTE BAYOU, LOUISIANA.

The Secretary shall conduct a study of the feasibility of modifying the project in existence on the date of enactment of this Act for enlargement of the navigation channels in the Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.

SEC. [4011] *4013.* LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. [4012] *4014.* MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. [4013] *4015.* JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of [California] *Georgia* and the Governor of the State of South Carolina.

SEC. [4014] *4016.* LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. 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) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end 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) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

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

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring are—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in sections 104(d) and 104(e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under section 107, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2010''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(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 the States 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. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(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 sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall 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 the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—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, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at full 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) NEW BARRIER.—Notwithstanding the project cooperation agreement dated November 21, 2003, with the State of Illinois, the Secretary shall construct, at full Federal expense, the Chicago Sanitary and Ship Canal Dispersal Barrier currently being implemented under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(c) OPERATION AND MAINTENANCE.—The Chicago Sanitary and Ship Canal Dispersal Barriers described in subsections (a) and (b) shall be operated and maintained, at full Federal expense, as a system in a manner to optimize effectiveness.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit to each State the proportion of funds that the State contributed to the authorized dispersal barriers.

(2) USE.—A State may apply the credit to existing or future projects of the Corps of Engineers.

SEC. 5006. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, NEW MEXICO.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2004''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States of Colorado, New Mexico, and Texas.

(2) RIO GRANDE SYSTEM.—The term ''Rio Grande system'' means the headwaters of the Rio Chama River and the Rio Grande River (including all tributaries of the Rivers), from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas.

(3) STATE.—The term ''State'' means the State of New Mexico.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande system—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the State, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs authorized under subsection (c), the Secretary shall—

(1) consult with the State and other appropriate entities in the State the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(3) *(2)* OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande system.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2005 and each subsequent fiscal year.

SEC. 5007. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on

which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the results of the investment activities and financial status of the Funds during the preceding 12-month period.''; and

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

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5008. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay authorized by the River and Harbor Act of 1954 (68 Stat. 1249) is not authorized.

SEC. 6008. CENTRAL AND SOUTHERN FLORIDA, EVERGLADES NATIONAL PARK, FLORIDA.

The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257) and the Flood Control Act of 1968 (82 Stat. 740), is not authorized.

SEC. 6009. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6010. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized under section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6011. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6012. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6013. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, 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)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6014. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6015. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6016. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6017. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6018. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6019. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the 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 (55 Stat. 644), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6020. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6021. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

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), is not authorized.

SEC. 6022. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6023. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635) is not authorized.

SEC. 6024. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6025. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6026. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6027. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6028. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6029. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6035. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6036. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6037. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6038. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6039. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6041. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6042. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6043. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

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), is not authorized.

SEC. 6044. CHARTIERS CREEK, CANNONSBURG (HOUSTON REACH UNIT 2B), PENNSYLVANIA.

The project for flood control, Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), is not authorized.

SEC. 6045. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6046. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek

Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6047. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6048. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6049. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

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), is not authorized.

SEC. 6050. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6051. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6053. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6054. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6055. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6056. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6057. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the 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, is not authorized.

SEC. 6058. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. INHOFE. Mr. President, last Thursday Senator JEFFORDS and I took some time to thank the members of our committee and many on the outside for cooperation in bringing to the Senate the Water Resources Development Act. This is a very big bill. It is a very significant bill. It involved the cooperation of quite a number of people. I would say every member of our committee has been very cooperative. I talked a little bit about Senator FEINGOLD and the fact he had some objections. He was very good to work with, along with Senator MCCAIN and others.

We finally are at the point now where, after a lot of negotiation, the Senate is considering today S. 728, the Water Resources Development Act of 2006.

As the world's leading maritime and trading nation, the United States relies on an efficient maritime transportation system to maintain its role as a global power. The bill we debate today is the cornerstone of that system.

The Water Resources Development Act, or WRDA, sets out the Federal policy of procedure for the U.S. Army Corps of Engineers to maintain and build our inland and intracoastal waterway system, which carries one-sixth of the Nation's volume of intercity cargo.

In addition, the Corps is responsible for maintaining approximate channel depths in ports along our coasts and the Great Lakes to handle 95 percent of all foreign trade into and out of the country. In fact, more than 67 percent of all consumer goods pass through harbors maintained by the Corps of Engineers. WRDA also authorizes the Corps to work with communities on flood damage reduction and hurricane and storm damage reduction projects designed to protect human life and property.

Inland and intracoastal waterways, which serve States on the Atlantic seaboard, the gulf coast, and the Pacific Northwest, move about 630 million tons of cargo valued at over $70 billion annually. Furthermore, it is estimated that the average transportation cost savings to users of the system is $10.67 per ton, or $7 billion annually over other modes of transportation.

The nearly 12,000 miles of inland and intracoastal waterways include 192 commercially active lock and dam sites. I might add, a lot of people are surprised these are in my State of Oklahoma. Over 50 percent of the locks and dams operated by the Corps are more than 50 years old and consequently are approaching the end of their design life and are in need of modernization or major rehabilitation. This bill authorizes ongoing work to modernize and rehabilitate our inland and intracoastal waterway system.

In the 1800s, the Corps was first called upon to address flood problems along the Mississippi River. Since then, the Corps has continued to provide flood damage reduction along the Mississippi River and in other regions of the country. These efforts range from small local protection to projects such as levees, or nonstructural measures, to major dams. Today, most of the structures are owned by sponsoring cities, towns, and agricultural districts. Although the Corps cannot prevent all damage from floods, the efforts of the Corps do significantly reduce the cost of the flood events.

To illustrate this point, consider that during the 10 years from 1991 to 2000, the decade of the 1990s, the country suffered $45 billion in property damage from floods. If Corps flood damage reduction measures had not been in place, however, that figure would have been more than $208 billion in damage. Clearly, flood control is a wise investment. According to the American Society of Civil Engineers, the flood control structures on average prevent $22 billion in flood damage each year, a savings of $6 per every $1 spent.

Second, similarly, the Corps also participates in and this bill authorizes hurricane and storm damage reduction projects along our Nation's coast as well as projects to combat shoreline erosion. So we are talking now about three aspects: navigation, the hurricanes, and the erosion problem.

And then the third Corps mission is ecosystems restoration. Working with non-Federal sponsors, the Corps implements single-purpose ecosystems, restoration projects, multipurpose projects with ecosystems restoration components, or projects for flood protection or navigation that incorporate environmental features as good engineering. The Corps has restored, created, and protected over 500,000 acres of wetlands and other habitats between 1988 and 2004. In some cases, existing water resources projects are modified to achieve restoration benefits.

This bill includes authorization of several such projects, including quickly approaching the crisis that, if ignored, would dramatically stunt continued economic growth.

We have to understand right now, with what is happening in this country, the increase in economic activity is what has brought us out of this recession. The deficits people in this Senate like to talk about are being addressed by the fact that, for each additional 1 percent of economic activity, it increases revenues about $45 billion. This bill is going to be very helpful in increasing economic activity.

As one of the most fiscally conservative Members of this Senate, I have long argued that the two most important functions of the Federal Government are to provide for national defense and public infrastructure. A lot of my conservative colleagues are going to be talking about projects and maybe earmarks. That is not in this bill we are talking about. They might be surprised to know that I, with a rating of 100 percent by the American Conservative Union, this year and last year, am proposing this bill, which is a big spending bill, but we are not spending. We are authorizing. We have an orderly procedure to reach those projects which would enjoy the most support.

I say to my conservative friends, I am one who is not for wasteful spending. I have maintained the perfect record in terms of my conservative leanings. In fact, it is exactly what being a fiscal conservative is all about.

The primary purpose of government spending is to provide for the national defense and to provide for critical infrastructure. Think how chaotic the system would be if each individual would build and maintain their own infrastructure system. Society simply would not function. Every first-year political science student learns that the function of the body politic is to provide resources that are used by all. Efficiency and economics require the Government not only plan but construct and maintain public infrastructure. So I am not shy about voting for increased authorization on national defense needs or public infrastructure.

At the same time, we have to spend limited tax dollars wisely, with that in mind, on three major restoration projects in Louisiana, Florida, and the Upper Mississippi River Basin. Unfortunately, as other infrastructure bills, WRDA has been decried in the press perhaps as a pork bill. During the debate in the Senate we may hear from some who will agree with that. It is the popular thing to say. As one of the primary authors of the bill, allow me to explain why this charge, if raised, is not accurate.

First, contrary to public belief, this bill is not just project authorization. It contains also significant policy changes designed to ensure an efficient and effective process for addressing our Nation's water resources needs. Later in this debate, Senators will have an opportunity to consider several amendments on further policy reforms.

The bill does have project authorizations. It is an unfortunate fact of life when infrastructure bills are debated we first have to battle back the charge that all we are doing is funding unneeded projects.

Look at the facts. According to the American Society of Civil Engineers 2005 report cards on America's infrastructure, none of the Nation's primary infrastructure such as roads, airports, drinking water facilities, wastewater management systems, gets above a C, and most receive a D. That is without exception. None. And every project authorization is quickly approaching a crisis that, if ignored, will dramatically stunt continued economic growth. We are at the point now where we need to do something.

With that in mind, the committee established a very firm policy of what types of project requests we would consider. Every project authorization included in this bill is based on a report of the Chief of Engineers verifying that the project is technically feasible, economical, economically justified, and environmentally accepted.

I will talk a little bit about the types of engineering reports that are necessary. We did not include environmental infrastructure projects such as water treatment facilities or riverfront development projects because neither of these are a Corps of Engineers mission. Finally, we did not authorize cost-share waivers on existing or new projects. We have always felt the local community has to have an investment and has to have the support of the State, county, or city in order to come forth with the project.

At the present time, Senator BOND and I will be offering two amendments, one on prioritization of projects, and another establishing a procedure of independent peer review. Both of these issues are important reforms to the program. We agree that Congress needs better analysis so we can more easily compare individual projects, thereby ensuring the most needed projects are addressed in a timely manner. Independent peer review fulfills a critical function to ensure that policymakers are using accurate information to make decisions. Therefore, Senator BOND and I will be offering an amendment to clarify which projects should undergo independent peer review.

Finally, some have expressed a concern about the size of the bill. I understand and appreciate these concerns. However, I point out that it has been 6 years since the last WRDA bill was signed into law. Traditionally, WRDA is done every 2 years. Given the 6-year timelag, what the Senate is being asked to consider represents what would be three WRDAs if we had kept to the 2-year schedule. Given that, I believe the cost is reasonable.

The amount of this bill would be eventually about $7 billion in authorization. However, if we were to follow the pattern set in 2000, for a 2-year bill, it was 5.07, so it is considerably less than if we had been doing it every 2 years as we did in the year 2000.

For the benefit of those who may not be familiar with the Army Corps of Engineers program, let me explain. The program does include planning, design, construction, maintenance, and operation of water projects that give improved flood damage reduction, hurricane and storm damage reduction, shore protection, navigation, ecosystems restoration, hydroelectric power, recreation, and other various water resources needed. Virtually all water resources projects are cost shared with a local sponsor. The statutory cost share varies depending on the size of the project. Generally speaking, the local share is about 35 percent; the Federal share is about 65 percent.

Projects generally originate with a request for assistance from a community or local government entity with the water resource need that is beyond its capability to alleviate. A study authority allows the Corps to investigate a problem and determine if there is a Federal interest in proceeding further.

If the Corps has performed a study in the geographic area before this time—in other words, if it has already done it—a new study can be authorized by a resolution of either the Senate Committee on Environment and Public Works, the committee I chair, or the House Committee on Transportation and Infrastructure. If the Corps has not previously investigated the area, the study needs to be authorized by an act of Congress, typically through what we are considering today, a WRDA bill.

Army Corps studies are usually conducted in two stages: the first, called a reconnaissance study, or the recon study, is a general investigation, including an overview of the problem, identification of potential local sponsors—that could be State, tribal, county, or local agencies or governments or nonprofit organizations—and an initial determination of a Federal interest. A recon study is done at full Federal expense and usually costs $100,000 to $200,000 and usually can be completed in about a year.

The second stage is a feasibility study, which is the detailed analysis of alternatives, costs, benefits, and environmental and other impacts. A feasibility study is cost-shared 50–50 with a local sponsor, usually costing upwards of $1 million and takes up to several years to complete.

Congress must provide authorization for the Corps to begin the recon study, but the Corps can move from the recon to feasibility stage without further authorization. Based on the results of the study, the chief of engineers may—this is the significant part—may sign a final recommendation on the project, known as the Chief's Report. Accordingly, the committee has used a favorable Chief's Report as the basis for authorizing projects.

I am going through this process so people will understand this has been thoughtfully considered in each one of these, and the Corps has gone into them and actually come out with a final Chief's Report. I have to say, individuals who sometimes complain about the way the Corps is working might remember in the late 1990s when we had the Everglades Restoration Act. I happen to be the only Member who voted against it. It was 99 to 1, I say to the Presiding Officer. The reason I voted against it is because it did not have a Chief's Report. We have to stay with this system.

Before I yield the floor to my colleagues, I want to point out some other provisions in the managers' substitute amendment that were added to the committee-reported bill. The primary changes were made in response to the devastating hurricanes that hit the gulf coast last year.

We are proposing a new National Levee Safety Program designed after the National Dam Safety Program. The new Levee Safety Program requires that a national inventory be made of all levees and that those levees that protect human life and public safety be inspected. As with the Dam Safety Program, the provision establishes a State grant program to encourage States to establish their own safety program, as

these activities are best handled at the local level.

We also made some changes to language already in the bill to authorize a project for coastal wetlands restoration in Louisiana. These changes are intended to address the two main suggestions for process improvements that the Environment and Public Works Committee heard from a broad range of stakeholders following Hurricane Katrina.

First, we try to do a better job of addressing our water resources needs in a comprehensive, integrated manner, rather than in the traditional stovepipe manner of separate missions areas.

Secondly, the time it takes between identifying a water resources need to completing a solution is significantly longer than it should be. Our substitute amendment addresses the time from identification of need to solution.

So we are going to proceed with this bill. I have a request from a well-respected Senator, but I am going to ask if the Senator could withhold until we have the opening statements done.

Let me say, in closing, I have a special interest in this bill because—a lot of people do not realize it, and I am sure the Chair does because he is aware of these things—my State of Oklahoma is in that way navigable. We have a navigation way that comes all the way to the Port of Catoosa. That is in Tulsa, OK. It was put together by a State authorization in legislation that was passed by my father-in-law, the late Arthur Patrick, in the early 1930s. And you might have heard of the McClellan-Kerr Dam. That is the one that is there. So we have that history, and I have that bias that I bring to this floor with my opening remarks.

With that, let me thank the ranking minority member, Senator JEFFORDS, who has been so cooperative throughout the development of this legislation.

Mr. JEFFORDS. Mr. President, I say thank you to the Senator. It is a pleasure to work with you.

The PRESIDING OFFICER. The Senator will suspend briefly.

AMENDMENT NO. 4676

Under the previous order, the reported committee amendments are withdrawn. The managers' substitute at the desk, amendment No. 4676, is agreed to, and the bill, as so amended, is original text for further amendment.

The amendment (No. 4676) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. President, I am very pleased to see the Water Resources Development Act of 2006 finally being considered on the Senate floor. This critical water resources bill is long overdue. The last one was completed 6 years ago.

Despite never receiving a water resources proposal from the administration, we are here today with a good, comprehensive bill, and I hope we can work together to finally get it enacted this year.

With this legislation, we maintain our commitment to the protection of our rivers, streams, and lakes. We also protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

We help our States and local communities manage their water resources through navigation and shoreline protection projects, as well as provide flood and storm damage protection.

This bill includes the authorization of key coastal restoration and hurricane protection projects to help the State of Louisiana recover from Hurricane Katrina.

There are also some very important project authorizations for my State of Vermont, including ecosystem restoration for the Upper Connecticut River and small dam removal and remediation throughout the State.

In addition, I am pleased this bill updates to the Army Corps of Engineers principles and guidelines to improve the efficiency of the Corps. I am disappointed, however, that some important Corps reform provisions were not included in this bill, such as stronger provisions for independent peer review.

Hurricane Katrina tragically reminded us of the importance of comprehensive reform of the Army Corps of Engineers. I am cosponsoring Senator FEINGOLD's amendment on this topic and encourage my colleagues to join us in support of this reform.

In the wake of Hurricane Katrina, the Corps has a tarnished record in many people's minds. The independent review language that will be offered by Senators FEINGOLD and MCCAIN, coupled with the other reforms we have included in the underlying bill, are critical first steps in our efforts to ensure that the Corps has adequate tools and appropriate oversight of its programs.

This water resources bill represents a step forward in our efforts to protect our water resources, enhance environmental restoration, and spur economic development.

Mr. President, I look forward to our debate on this bill. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the minority leader of our committee who has done such a good job.

Let me announce what I would like to do and see if there is any objection. I will not pose this as a UC, but I will mention we have some people who do have to leave. We had announced earlier we would go straight to the Boxer amendment. I am in support of the Boxer amendment, and that is not going to take a long time. However, she has graciously agreed to let the Senator from Michigan go in advance of her for 10 minutes.

The question I would like to ask the Senator from Michigan is, would it be permissible, and not counted against the time of the Senator from California, if Senator SANTORUM went for 3 minutes prior to you? This is at the conclusion of the remarks of the Senator from Missouri. Would that be all right? It would put you off only 3 minutes.

Ms. STABENOW. Yes. Through the Presiding Officer to the chairman, thank you very much for including me in this process. My question would only be, how much time does the Senator from Missouri require?

Mr. INHOFE. How much time?

Mr. BOND. Mr. President, I am, regretfully, limited by having to be at a markup in a subcommittee I chair, and I will limit my remarks to about 15 to 18 minutes.

Ms. STABENOW. Certainly, Mr. Chairman, I would have no objection.

Mr. INHOFE. After the conclusion of his remarks—-

Mrs. BOXER. Can you do a unanimous consent request?

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senator from Missouri be first recognized for 15 to 18 minutes, immediately followed by Senator SANTORUM for not to exceed 4 minutes, and then Senator STABENOW for not to exceed 10 minutes. And then we will proceed on to the Boxer amendment.

Mrs. BOXER. For 20 minutes.

Mr. INHOFE. For whatever time she wants to use.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I particularly thank our leader, Senator FRIST, and the minority leader, Senator REID, for bringing WRDA to the floor. This is a long and arduous process, and we are grateful they were able to bring together this tremendously important bill.

I pay special thanks to the chairman of the committee, Senator INHOFE, and his staff, and the ranking member, Senator JEFFORDS, and his staff. This has been a truly bipartisan process—a lot longer process than we intended because this was supposed to have been the 2002 WRDA bill. Nevertheless, we have the much needed Water Resources Development Act before us, authorizing projects under the jurisdiction of the U.S. Army Corps of Engineers.

These projects are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output, operates 463 lake recreation areas, moves 630 million tons of cargo valued at over $73 billion annually through our inland system, manages over 12 million acres of land and

water, provides 3 trillion gallons of water for use by local communities and businesses, and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment of less than one-seventh that value.

During the 1993 flood, which we experienced in Missouri with great devastation, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

WRDA, as I indicated, is a bipartisan bill, traditionally produced by Congress every 2 years, making possible America's major flood control projects, coastal protection, environmental protection and restoration, transportation, and recreation on our major waterways.

Despite its importance, we have not passed a bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become, making it harder and harder to win approval.

The public voice is loud, clear, and spoken often regarding how they feel about the need for our long-overdue and much needed WRDA legislation.

We believe the bill before the Senate is a good one that balances the needs of States for environmental restoration of key waterways and for navigation projects that create economic growth.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. And it is financially responsible.

To say it is widely supported is an understatement. It passed the EPW Committee by voice vote. Eighty of our colleagues signed a letter to leadership urging floor action—80 out of 100. It is tough for us to get 80 together on anything, but they said: We want this bill. The House cleared it with an overwhelming vote of 406 for it.

Environmental restoration, in the last 20 years, has become a primary Corps mission.

Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and habitats for many species. Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm, and many other benefits.

The Corps is leading some of the world's largest ecosystem restoration projects. And the commanding feature of this bill is its landmark environmental and ecosystem restoration authorities. More than half of the cost of the bill consists of authorization for environmental restoration projects.

Think of all the major waterways that are important to America—to our environmental heritage, to recreation, and to commerce. This bill affects all of them.

Among the projects in this bill are those that will restore wetlands in the Upper Connecticut River Basin in Vermont and New Hampshire; restore oyster habitat in the Chesapeake Bay; restore fisheries in the Great Lakes; implement an environmental management program for the Rio Grande River; continue restoration of the Everglades; restore areas of coastal Louisiana damaged by Hurricanes Katrina and Rita; restore habitat on the Upper Mississippi and Illinois waterways; restore oyster habitat on Long Island Sound.

Flood control is also important. If we have learned anything from Mother Nature in the last 15 years, it is that we frequently need protection from her storms. Hurricanes Katrina and Rita are just two of the latest devastating examples.

As I said, the good news is Corps projects had an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh that value. This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, and Missouri, to name a few.

While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic initiative included provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also become more competitive. Between 1970 and 2003, the value of U.S. trade increased 24-fold and 70 percent since 1994. That is an average annual growth of 10.2 percent—nearly double the pace of the GDP growth for the same period. We can expect demand for U.S. exports to continue increasing dramatically over many years.

We have to ask ourselves where the growth in transportation will occur in the next 20 to 50 years to accommodate the growth in demand for commercial shipping. The Department of Transportation suggests that congestion on our roads and rails will double in the next quarter century.

Now, those who drive on the highways know how crowded they are. How would you like to see all of the transportation that we now put on water go on the roads? Ask any farmer who has found difficulty getting rail availability to ship product, commodities, because there is heavy demand. Water transportation is a great untapped capacity.

One medium-sized barge tow carries the freight of 870 trucks. On the road are 2.25 100-car unit trains, 250-car unit trains, and 1 barge carries the equivalent of 15 jumbo hopper cars. Now, how does that translate into the use of energy? We ought to be concerned about energy conservation. Well, the good news is that water transportation conserves fuel and protects the air and environment. How? How far will one gallon of fuel move one ton of freight? If you are going by truck, one gallon of fuel can move a ton of freight 59 miles. If you are going by rail, it can move it 386 miles. But if you are going by water, it can move it 522 miles. That is almost 10-to-1 more efficient than trucks and 1.5 times as efficient as rail. The rail just isn't there. The rail system is overcrowded already.

Over the past 35 years, waterborne commerce on the Upper Mississippi River has more than tripled. The system currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports, and it does so at two-thirds the cost of rail—when rail is available.

In Missouri alone, we ship 34.7 million tons of commodities with a combined value of more than $4 billion. That is not just farm products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, and other commodities, and, yes, the corn, soybean, and wheat that we export overseas.

Our navigable waterways are in environmental and economic decline. Jobs and markets and the availability of habitat for fish and wildlife are at stake. The American Society for Civil Engineers grades navigable waterways infrastructure D− with over 50 percent of the locks ''functionally obsolete'' despite increased demand.

So we have developed a plan that gets the Corps back in the business of building the future, rather than just haggling about predicting the future.

This legislation contains authorization for funding to improve navigation on a number of our major waterways in several States, including Louisiana, Texas, Alaska, Virginia, Delaware, and Maine.

A key piece of the bill modernizes locks and dams on the Upper Mississippi and Illinois Rivers. We authorize capacity expansion on locks 20 to 25 on the Mississippi River and Peoria and LaGrange on the Illinois.

New 1,200-foot locks on the Mississippi River will provide equal capacity in the bottleneck region. Upstream from the Keokuk, there is a lock 19 which is 1,200 feet, and below them at St. Louis are locks 26 and 27. They are also 1,200 feet. These 600-foot locks serve as major water roadblocks to transportation of our products to the world markets and inputs to users upstream.

One-half of the cost of the new locks will be paid for by private users who pay into the Inland Waterways Trust Fund. Additional funds will be provided for mitigation and small scale and nonstructural measurements to improve efficiency.

If you are for increased trade, commercial growth, and job creation, you cannot get there without supporting the basic transportation infrastructure, as our chairman has so eloquently pointed out. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

As we look 50 years into the future, we have to ask ourselves a fundamental question: Should we have a system that promotes growth or should we be confined to a transportation straitjacket designed not for 2050 but for 1950 with paddle wheel boats?

We must ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways?

In both cases, the answer, to me, is simple. Of course we should improve and modernize. The choice is a very important one today as we have a global economy. Our farmers are the most efficient in the world, but transportation costs can knock them out of the world market. We know our competitors are modernizing their water transportation.

Here is a very troubling picture. This is one of our foremost exports right now. You know what they are exporting? Not renewable crops that come from our fields. These are 2 towboats and 30 barges headed for Argentina. Argentina and Brazil and other Latin American countries are taking imports from our water transportation system because they have the waterways to use them and we don't. Do you want to make a one-time sale of the barges or towboats, or do you want to have sales every year on the goods and commodities these can produce?

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. Congress, fortunately, decided that its role was not to try to predict the future but to shape it and decided to invest in a system despite the naysayers. Over 84 million tons per year later, it is clear that the decision was wise.

The veteran chief economist at USDA testified that transportation efficiency and the ability of farmers to win markets and higher prices are ''fundamentally related.'' He predicts that corn exports over the next 10 years will rise 45 percent, 70 percent of which will travel down the Mississippi River—if the river has the capacity to carry it.

The decision to improve these waterways has not been taken lightly. As has already been pointed out, all decisions and procedures have been documented and coordinated with an interagency Federal Principals Group, independent technical reviews and stakeholders, and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing a study that was anticipated to take 6 years and cost $12 million, but it actually took 14 years to complete. During that period, there have been 35 meetings of the Governors Liaison Committee, 28 meetings on the Economic Coordinating Committee, among the States along the Upper Mississippi and Illinois waterways, 44 meetings of the Navigation and Environmental Coordination Committee; and there have been 3,879 public involvement activities concerning the Upper Mississippi River alone.

Additionally, there have been 130 briefings for special interest groups and 24 newsletters. There have been 6 sets of public meetings in 46 locations, with over 4,000 people in attendance. To say the least, this has been a very long, very transparent, and very representative process.

While we have been studying, our competitors have been building. Given the extraordinary delay so far, and given the reality that large-scale construction takes decades, further delay is no longer an option.

That is why I am pleased to join the bipartisan group of Senators who agree that we must improve the efficiency and the environmental sustainability of our great resources.

The transportation efficiency provisions are supported by a broad-based group of the States, farm groups, shippers, labor, and those who pay taxes into the trust fund for improvements.

Of particular note, I appreciate the strong support from the carpenters, laborers, operating engineers, Iron Workers, Teamsters, the Nature Conservancy, the Audubon Group, and the construction and energy and agriculture people.

Also, I mention specifically the good efforts of Senators TALENT, DURBIN, OBAMA, GRASSLEY, and HARKIN, who have given strong bipartisan support.

For some, the bill is too small; for others, it is too big. It is important to understand the budget implications in the real world. We are contending with difficult budget realities. It is critical to be mindful of those realities as we make investments in the infrastructure that support those who make and grow and buy and sell things so that we can expand our economy, create jobs, and, yes, pay taxes and secure our future.

This is an authorization bill that doesn't spend a single dollar, not one. Like other authorization bills, it makes projects eligible for funding under constraints administered by Congress. The Appropriations Committee and the President will have final say. Those who don't make it won't be funded.

The WRDA process simply allows for projects to be considered during the process of appropriations. I hear some suggest we should not authorize anything new until everything previously authorized has been funded. That is nonsense because it falsely assumes that all projects authorized 5, 10, 15 years ago are higher priority than those we have now. That is not true.

In fact, we have eliminated the authorization for 56 projects totaling over $500 million in savings. The remaining projects will be subject to the appropriations process.

People have talked about Corps reform. I want to make sure we reform it and don't kill it. I agree that we need to be sure every project is authorized, is needed, and is economically justifiable.

The Corps continues to make agency-wide planning improvements that are responsive to stakeholders' needs and responsible to taxpayers.

The Corps includes independent review in all project studies and review by outside independent experts for larger, higher risk and complex projects. Peer review is integrated into project development.

The Corps is developing new tools to examine regional and watershed issues that will allow a broader view of complex water resource issues.

The bill contains provisions that will further improve the reliability of Corps analyses of projects.

Now, there are many—particularly community leaders around the country—who believe there is already too much redtape, delay, cost, and uncertainty. There are those who want less redtape. I strongly agree with them. Others want more redtape. But I think we strike a necessary balance in the bill.

We have embraced a commonsense, bipartisan proposal by Senators LANDRIEU and COCHRAN that requires major projects to be subject to independent review.

The PRESIDING OFFICER. The Senator has consumed 18 minutes.

Mr. BOND. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. BOND. Mr. President, the Landrieu-Cochran proposal requires that necessary mitigation for projects be completed at the same time the project is completed or no longer than 1 year afterward. This will impose a cost on communities, particularly smaller ones, but it is not as onerous as regulations proposed 2 years ago which ultimately prevented a final agreement between the House and Senate. For some, the new regulations are too onerous; for others, not enough. As I said, I believe we strike a balance.

This legislation is supported by over 250 organizations representing the environment, agriculture, labor, and chambers of commerce. I ask unanimous consent that the letter from the National Waterways Alliance listing these groups be printed in the RECORD.

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

NATIONAL WATERWAYS ALLIANCE,
Arlington, VA, June 30, 2006.

Hon. CHRISTOPHER S. BOND,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: After six long years, we finally have hope for passage of the Water Resources Development Act of 2006 (WRDA). Our country cannot afford further delay. Clearly the time has come, particularly in light of the lessons learned from Hurricane Katrina, for Congress to complete its work on this crucial legislation for our nation's water resources.

As Senate leaders prepare the bill for floor consideration, we urge you to: (a) Request that the Majority Leader bring the bill to the floor quickly; (b) Accept the Inhofe-Bond Amendments and Reject the Feingold-

McCain ''Corps reform'' amendments. (See attachment.)

S. 728, much like its House of Representatives counterpart, represents a workable compromise to address and provide guidance on a number of policy issues, including the need to strengthen the Army Corps of Engineers' feasibility study process, provide meaningful project peer reviews and refine mitigation standards to embody sound ecological science. In addition, S. 728 provides authorization for many important projects with the potential to improve our economy, ease our nation's growing problem of congestion and dependence on foreign oil, and enrich our quality of life and environment.

Our water resources system contributes mightily to our nation's well-being. Ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, economical and eco-friendly transportation alternative—for products such as steel, coal, fertilizer, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the nation's grain exports. Our flood damage reduction program saves lives and prevents almost $8 in property losses for each dollar spent. Corps' hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits.

We solidly support expeditious passage of S. 728 as a balanced and responsive Water Resources Development Act, and urge you to do the same. The Senate must act now to move us closer to achieving and preserving an economically and environmentally sustainable water resources development program for the nation's future.

Sincerely,

Agricultural Retailers Association; AGC of St. Louis; Ag Processing Inc.; Agribusiness Association of Iowa; Agriculture Ocean Transportation Coalition; AGRIServices of Brunswick, LLC; Agrium; All American Coop; Alter Barge Line; Ameren; American Association of Port Authorities; American Association of State Highway and Transportation Officials (AASHTO); American Farm Bureau Federation; American Feed Industry Association; American Public Works Association; American Shore and Beach Preservation Association; American Soybean Association; American Waterways Operators, Inc.; Aon Risk Services; Arch Coal, Inc.; Arkansas Basin Development Association; Arkansas Waterways Association; Arkansas Waterways Commission; The Associated General Contractors of America.

Association of California Water Agencies; Association of Equipment Manufacturers; Association of Marina Industries; Association of Ship Brokers and Agents (U.S.A.), Inc.; Atlantic Intracoastal Waterway Association; Bay Planning Coalition (San Francisco Bay-Delta); Ben C. Gerwick, Inc.; Bergmann Associates; Boat Owners Association of The United States (BoatUS); Boaters are Voters; J.F. Brennan Marine, Inc.; Bunge North America, Inc.; Bussen Terminal; Buzzi Unicem USA; Caddo-Bossier Port Commission (LA); Cahokia Marine Service; California Coastal Coalition; California Marine Affairs and Navigation Conference; Cargo Carriers/Cargill; Caver and Associates, Inc.; Ceres Consulting, LLC; CF Industries, Inc.; Cherokee Barge & Boat, LLC; City of Carolina Beach, NC.

Carpenters' District Council of Greater Saint Louis and Vicinity; CEMEX, Inc.; CH2MHill, Inc.; CHS, Inc.; Columbiana County Port Authority (OH); Colusa Elevator Co., Inc.; Consolidated Blenders, Inc.; Construction Management Association of America; Continental Cement Company, Inc.; Dairyland Power Cooperative; Dakota, Minnesota & Eastern Railroad Company; DeBruce Grain, Inc.; Determann Industries, Inc.; Dredging Contractors of America; Dyno Nobel, Inc.; Eagle Marine Industries, Inc.; Fabick Power Systems; Farmers Coop Association; Farmers Cooperative Elevator Company; The Fertilizer Institute; Fire Island Association (NY); J. Russell Flowers, Inc.; Gahagan & Bryant Associates, Inc.; City of Galveston, TX.

Galveston County, TX; Garick Corporation; Garvey Marine, Inc.; Gateway Arch Riverboats; Gateway FS, Inc.; Grain & Feed Association of Illinois; Grain Processing Corporation; Grampa Wood Excursions; Great River Economic Development Association; Green Bay Farms, L.P.; Growmark, Inc.; Grundy County Farm Bureau; Hampton Roads Maritime Association; Harber, Inc.; Harmony/Preston Agri Services, Inc.; Harris County Flood Control District (TX); Hatch Mott MacDonald, Inc Hawkins Chemical Company, Inc.; HDR; Heart of Illinois Regional Port District; HNTB, Inc.; Holcim (US) Inc.; IEI Barge Serivces; Illinois Chamber of Commerce; Illinois Corn Growers Association.

Illinois Farm Bureau Federation; Illinois Fertilizer & Chemical Association; Illinois Grain and Feed Association; Illinois Soybean Association; City of Imperial Beach, CA; INCA Engineers, Inc.; Ingram Barge Lines, Inc.; Inland Rivers, Ports & Terminals, Inc.; International Union of Operating Engineers; Iowa Corn Growers Association; Iowa Farm Bureau Federation; Iowa Renewable Fuels Association; James Marine, Inc.; Jeppeson Marine; Jersey County Grain Company; Johnson Machine Works; Johnston Enterprises Inc.; Johnston Port 33; W.B. Johnston Grain Co.; Johnston Seed Co.; Johnston Terminal, Muskogee, OK; Kansas City Power & Light; Kansas Corn Growers; Kaskaskia Regional Port (IL).

Kentucky Corn Growers Association; City of Keokuk, IA; Kindra Lake Towing, L.P.; Kirby Corporation; Lake Carriers' Association; Lake Providence Port Authority (LA); Limited Leasing Company; Linwood Mining & Materials Corp.; Little River Drainage District (MO); Long Island Coastal Alliance (NY); Louisiana Department of Transportation and Development—Public Works, Hurricane Flood Protection & Intermodal Transportation; Luhr Bros.; Magnolia Marine Transport Company; MARC 2000; Maritime Association of the Port of New York/New Jersey; Maritime Exchange for the Delaware River and Bay; Marquette Transportation Co., Inc.; Marquis Inc./Terminal Express; Maryland Grain Producers Association; Massman Construction Company; McCallie Marine Service, LLC; MEMCO Barge Line/AEP River Operations; Merrill Marine Services; MFA, Inc.

Michigan Corn Growers Association; Mid-Central Illinois Regional Council of Carpenters; Midwest Foundation Corporation; Midwest Industrial Fuels, Inc.; Minneapolis Grain Exchange; Minnesota Agri-Growth Council, Inc.; Minnesota Crop Production Retailers; Minnesota Farm Bureau Federation; Minnesota Grain and Feed Association; Minnesota Soybean Growers Association; Mississippi River Citizen Commission; Mississippi Welders Supply Co., Inc.; Missouri Ag Industry Council; Missouri Barge Line Company, Inc.; Missouri Corn Growers Association; Missouri Corn Merchandising Council; Missouri Farm Bureau Federation; Missouri Levee & Drainage District Association; Missouri Port Authority Association; Missouri Soybean Association; MO–ARK Association; Monsanto; Morrow Group USA; National Association of Manufacturers.

National Association of Maritime Organizations; National Association of Waterfront Employers; National Association of Wheat Growers; National Corn Growers Association; National Grain & Feed Association; National Grain Trade Council; National Grange; National Heavy & Highway Alliance: Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, International Union, Brickyard Layers & Allied Craftworkers; National Industrial Transportation League; National Marine Manufacturers Association; National Mining Association; National Oilseed Processors Association; NSA Agencies, Inc.; National Stone, Sand and Gravel Association; National Water Resources Association; National Waterways Conference, Inc.; New Madrid County Port Authority; Norman Bros., Inc.

The North American Export Grain Association; City of North Topsail Beach, NC; Ohio Corn Growers Association; Ohio Council of Port Authorities; Oklahoma Department of Transportation Advisory Board; Oklahoma Department of Transportation, Waterways Branch; Olympic Marine Company; Ouachita River Valley Association; Pacific Northwest Waterways Association; Pattison Bros. Mississippi River Terminal, Inc.; Pemiscot County Port Authority (MO); Personal Watercraft Industry Association; Port of Alexandria (LA); Port of Alsea (OR); Port of Bandon (OR); Port of Brookings Harbor (OR); Port of Coos Bay (OR); Port of Corpus Christi (TX); Port of The Dalles (OR); Port of Depot Bay (OR); Port of Garibaldi (OR); Port of Gold Beach (OR); Port of Galveston (TX); Port of Humboldt Bay (OR).

Port of Ilwaco (WA); Port of Memphis (TN); Port of Morrow (OR); Port of Muskogee (OK); Port of New Orleans (LA); Port of Newport (OR); Port of Palacios (TX); Port of Port Orford (OR); Port of Redwood City (CA); Port of Siuslaw (OR); Port of Toledo (OR); Port of Umatilla (OR); Port of Umpqua (OR); Port of Vancouver USA (WA); Port of Victoria (TX); Portland Cement Association; Ports of Indiana; Providence Grain Company; Quad City Development Group; Red River Valley Association; Red River Waterway Commission; Red Wing Port Authority; River Barge Excursion Lines, Inc.; River Navigation Coalition; River Resource Alliance.

Riverway Company; Salt Institute; Sargeant Grain Company; Schutte

Lumber Company; The Scoular Company; Seneca; Shattuck Grain Co.; J.R. Simpson & Associates, Inc.; Smurfit Stone Container Corporation; Southeast Grain & Feed Dealers Association; Southern Illinois Construction Advancement Program; SSA Marine; St. Louis City Port Authority/Economic Council; St. Lucie County, FL; Stone Oil Distributor, Inc.; Texas Water Conservation Association; TPG Marine Enterprises, LLC; Topsail Island Shore Protection Commission (NC); Transportation, Elevator & Grain Merchants Association; Transportation Institute; Tri-City Regional Port District; Trinity Marine Products, Inc.; Tri-Oak Foods, Inc.; Tulsa Port of Catoosa (OK).

Tulsa's Port of Catoosa Facilities Authority; Twomey Company; United Brotherhood of Carpenters and Joiners of America; U.S. Chamber of Commerce; U.S. Great Lakes Shipping Association; Upper Monongahela River Association Incorporated; Upper Mississippi, Illinois & Missouri Rivers Association; Upper Mississippi Waterways Association; United Soybean Board; Upper River Services, LLC; City of Venice, FL; Volunteer Barge & Transport, Inc.; Waterways Council, Inc.; The Waterways Journal, Inc.; Wayne B. Smith, Inc.; Weeks Marine, Inc.; Western Kentucky Navigation, Inc.; White River Coalition; Winona River & Trail; Wisconsin Agri-Service Association; Wisconsin Corn Growers Association.

Mr. BOND. Mr. President, anybody who wants to know if this is broadly based can look at the list of all of these groups. As I said, they include environmental, labor, agriculture, chambers of commerce, construction, energy, local entities. MARC 2000 in my State has been a very strong supporter.

I thank all of these people who support the bill. I thank my colleagues and their staffs for the hard work devoted to this bill and the difficult issues it presents. I particularly thank Chairman INHOFE for his forbearance. I look forward to the debate on this bill and final passage.

I hope my colleagues listen carefully to the debate because we have included significant Corps reform that will achieve all the benefits that legitimate requests for Corps reform entail, but it will not subject the process to unending, wasteful delays and further redtape that sank the bill the last time we tried to send it to the House.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SANTORUM. Mr. President, I thank the chairman and ranking member and the Senator from Michigan for providing me this opportunity to speak for a few minutes about the importance of this legislation to my State.

As many know, the State of Pennsylvania over the last several weeks has experienced catastrophic floods. FEMA has now issued individual assistance declarations for 22 of our 67 counties and declarations of public assistance for 24 counties. It could have been a lot worse but for flood control projects that this Congress authorized and approved in the WRDA process in the past, particularly the Wyoming Valley levee-raising project, which I will address in a moment.

I thank the chairman and ranking member for including a provision for a flood control project for the town of Bloomsburg. It is the only town in Pennsylvania. What you see was 25 percent underwater from the Susquehanna River just a couple weeks ago. Bloomsburg State University is there. It is a beautiful little town. It was completely submerged as a result of the flash flooding and then the raising of the Susquehanna River subsequent to the rains. So I appreciate the fact there is a flood control project in this legislation for the town of Bloomsburg.

In addition, we have had another problem upstream from Bloomsburg, an area where we have had a tremendous success, and that is the Wyoming Valley levee-raising project which is almost completed, but there is an area in Wilkes-Barre in particular called Solomon Creek. It is a tributary to the Susquehanna River.

This picture shows a little bridge that goes over Solomon Creek. This bridge is virtually dry most of the time. You can see it is up 12, 14 feet from the bottom. It is a horrible problem in the city of Wilkes-Barre. It backs up into the river and causes all sorts of damage in the city of Wilkes-Barre and south Wilkes-Barre right near a hospital which is hoping to expand—but will not expand if we can't fix this problem—to serve the residents of the area.

What I have asked the chairman to do—there is a provision that Congressman KANJORSKI got into the House WRDA bill which puts this flood control project underneath the Wyoming Valley levee-raising project which is authorized for over $400 million. Believe it or not, the levee-raising project came in at well under $400 million, about $250 million. So there is room under that cap to bring in this tributary which really does need to be fixed to address this major flooding problem.

The Senator from Oklahoma, when I explained this project to him, said he would support us in conference in making sure this project is included in the final bill. I will tell you, the people of south Wilkes-Barre are very pleased to hear tonight that as a result of this bill passing, and we get it through conference, the chairman of the committee will support the Solomon Creek project in conference, which will mean that literally within the next 12 months, we can begin to work on making sure that south Wilkes-Barre doesn't experience this kind of tragic flooding in the future.

With that, I thank the chairman for his assurance and his support. It is deeply appreciated by me and I know by Senator SPECTER and by the people of Wilkes-Barre.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I thank the distinguished chairman of this important bill and the ranking member for allowing me to speak about a different subject for a few moments. This is a very important bill which is before the Senate. It is very important to Michigan. I very much appreciate all the hard work they have put into bringing this bill to the floor.

I also thank my friend and colleague from California for allowing me to use a few moments of her time.

(The remarks of Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

Mrs. BOXER. Mr. President, I was pleased to yield time to Senator STABENOW who had a very pressing matter regarding some of her constituents who are stuck in Lebanon with no way out, and a very vulnerable time for many of the families in her district and in her State.

Let me start out by saying thank you to my chairman, Senator INHOFE, and to our ranking member, Senator JEFFORDS, and, of course, Senators BOND and BAUCUS, and the array of Senators who have worked so hard on this very bipartisan bill. We have all worked together, and I believe it is an excellent bill. I thank the staffs for their commitment to this product, particularly Let Mon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron with Senator INHOFE, and Catharine Ransom and Jo-Ellen Darcy with Senator JEFFORDS. They put in very long hours, many of them, to help all of us, and for that I thank them.

All together, this bill represents the collective work of nearly 6 long years. That is how long it has taken to get this water resources bill to the Senate. I think we all agree that 6 years is far too long to wait for a bill that authorizes essential flood control, navigation, and ecosystem restoration projects, projects that help protect thousands of homes and the lives of millions from catastrophic flooding; projects that help restore the great wetlands and the rivers of our Nation. What we learned during Katrina is what happens when we lose the wetlands in our country, and we have been losing them. As a result of that, we lose the natural flood protection that we so desperately need. So restoring the great wetlands we have lost in California—I think it is about 90 percent of our wetlands, and nationwide I think it is even more than that. So we really have lost a great deal of our wetlands, and this bill helps to correct that. It protects the rivers of our Nation, also very important and is addressed here.

We have projects that help increase our port capacity and projects that make shipping easier and safer. Specifically, for my State of California, there are many great and valuable provisions in this bill, essential flood control provisions that more than double the amount of current funds authorized to improve and upgrade levees in the San Joaquin River Delta, levees that

will help protect two-thirds of California's water supply.

I remind my colleagues—I know you are aware of this—we have almost 37 million people in my State. So when we talk about flood control protecting the population, we are talking about quite a sizable population.

We have included ecosystem restoration pilot projects to help improve and restore the Salton Sea, which has been steadily shrinking into the deserts of southern California. The Salton Sea is a remarkable—remarkable—body of water.

The bill also includes authorization to restore vast salt marshes and wetlands around the Napa River.

I want to highlight one final provision in this bill for California. Earlier this year, I introduced the Los Angeles River Revitalization Act. When I tell my colleagues that there was a river in Los Angeles—there still is—they look at me and say: Well, where is this river?

Well, you can take it from me, there is a river. It has been destroyed over time. The local people, with a wonderful project, are trying to restore this river and continue to protect the residents of the area from flooding, but also to provide recreational opportunities for the communities on the riverbanks.

The 2006 WRDA bill before us contains key provisions from that bill, including a feasibility study and provisions authorizing demonstration projects to help get this great restoration effort going. If you have time to come with me to Los Angeles, I say to my colleagues, I will show you the amazing possibilities we have for recreation and for the young people in an area that is in great need, desperate need of recreation, because it is so populated and so crowded.

So in short, Mr. President, this is a great and important bill for my State. We cannot ignore our water infrastructure. We learned that from Hurricane Katrina. We cannot allow long periods of time to elapse without reauthorizing such a vital and important bill. Most of our colleagues agree, earlier this year, more than 80 Senators signed a letter requesting full Senate consideration of this bill. I have worked with colleagues on both sides of the aisle, particularly Senators INHOFE and JEFFORDS, in trying to address every colleague's concerns so that we could get to this moment, and here we are.

I look forward to discussing and debating several key policy issues relating to this bill. We have a couple of controversial ones, and I will be on the Senate floor as these issues come before us.

AMENDMENT NO. 4679

Mrs. BOXER. Mr. President, at this time, I call up my amendment No. 4679, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4679.

Mrs. BOXER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the project for Folsom Dam, California)

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

Mrs. BOXER. Mr. President, I offer this amendment on Sacramento flood control at the Folsom Dam, and I want to speak on behalf of my amendment. My statement will be brief because I am very pleased that my amendment has been cleared on both sides of the aisle. Again, I thank Senators INHOFE and JEFFORDS and their staffs. We will be voice-voting this amendment, and it means a great deal to Senator FEINSTEIN and to me and the people from California, be they Republicans or Democrats or Independents. I again extend my thanks to Letmon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron, Catherine Ransom and Jo-Ellen Darcy. I am saying their names again because I think all too often staff just don't get the credit they deserve for the long hours they put in. Their work on this amendment, like so many others in this bill, has been invaluable.

I thank Senator FEINSTEIN for being a cosponsor of this amendment. I offer my appreciation for her help in this effort. Very briefly, I want to talk about why this amendment is so important, and then we will have a voice vote and we can move on to Senator SPECTER's amendment.

Sacramento is one of America's largest metropolitan areas that has less than 100-year flood protection, less than 100-year flood control protection. The Sacramento-American Rivers floodplain contains 165,000 homes—I want my colleagues to think about that—nearly 500,000 residents, the State Capitol is there, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs.

A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in Sacramento, and cause up to $15 billion in direct damage and up to $30 billion in total economic losses, and it would likely result in significant loss of life.

As the capital of the world's sixth largest economy—the world's sixth largest economy—no one can deny it is important to protect the Sacramento region and, fortunately, no one today is denying that. Yet Sacramento is terribly vulnerable to catastrophic flooding, so vulnerable that parts of the Sacramento area were under serious flood threat earlier this year. I remember well, when Senator FEINSTEIN and I came to the floor and we showed you the pictures. We are not going to go through those again tonight because I think you remember those pictures. There was that whole area where you have homes below sea level at risk every single day.

To protect this region from flooding, Folsom Dam was completed in 1956. It is located 15 miles northeast of Sacramento on the American River. To improve the dam's flood control capabilities, Congress authorized two projects to increase the dam's capacity and waterflow control. Over the past year, the Army Corps of Engineers and the Bureau of Reclamation have been working to refine and improve these plans.

My amendment ensures that this important process continues expeditiously and without interruption. This is what it does. It sets a strict timeframe of June 2007 for the Corps and

the Bureau to complete their report, so that design work can proceed without delay.

We all know bureaucracy. They will figure out one way to delay and another way to delay, and before long we have real serious questions of the costs for the project and having to pay more for the project. We pray during that time there will not be a catastrophic flood.

We are so pleased that this amendment has been signed off on, on both sides. It also calls for quarterly reports on the progress of the Bureau of Reclamation and the Corps.

The bill as agreed to by the managers of the bill today is an important next step to provide the region of Sacramento the level of flood protection it deserves. The Corps, the Bureau, and their non-Federal partners are continuing to work on designing the best solution for Folsom Dam, and the outlook is very promising.

As S. 728 moves to conference with the other body, I intend to work with my colleagues in any way needed to support this project. Again, I thank my colleagues on both sides of the aisle for agreeing with this important amendment, and I hope the day will soon come when we will have that report ready for you and move forward.

I ask unanimous consent that all of my time and the time of Senator STABENOW be charged against my amendment. I think that will clear up the time confusion with the Chair. Is that correct? Mr. Chairman, is that making you happy?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. We are done. I hope now we can voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I rise in support of the amendment by Senator BOXER.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. This amendment has simple goals: to consolidate some ongoing work on the Folsom Dam and get the Corps to finish in a timely manner. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in my opening statement, I talked about the rather difficult process we go through in this WRDA process and the Corps of Engineers starting off with a reconnaissance or a recon setting and then going to a feasibility study. I would like to say the project, as discussed by the Senator from California, has already gone through all this. It has already been authorized twice. So I join her in wanting to get this done.

I would like to make the comment, though, that at the conclusion of this voice vote, I think we are going to be going to the Specter amendment. It is the intention of the chairman, anyway, to go ahead and have that as a recorded vote this evening.

I support the Boxer amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4679) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: We have 1 hour equally divided?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4680

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself and Mr. CARPER, proposes an amendment numbered 4680.

Mr. SPECTER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to Federal hopper dredges)

Strike section 2020 and insert the following:

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

Mr. SPECTER. Mr. President, this amendment is to delete a provision in the bill which would prohibit the hopper dredge *McFarland* from remaining in operation. I submit this bipartisan amendment on behalf of myself and Senator CARPER, of Delaware.

It is a little hard to understand why this pending bill seeks to retire this vessel, which does important dredging work, on a bill which is denominated to provide for the consideration of the development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, because this dredger is very important for the specific stated purposes of the bill.

I would start with the important role this dredging vessel, the *McFarland*, plays with respect to the Nation's military operations. The *McFarland* is one of only three active dredging vessels owned by the U.S. Government, with one other held in reserve. The other two active vessels are on the west coast. The *McFarland* is available to respond immediately to emergency blockages at the Department of Defense-designated strategic military seaports.

At a time when terrorism is a major threat in this country, it is hard to understand why we would want to give up the only dredger which is available on the east coast and on the gulf coast. I think there may be many Senators whose States will be adversely affected, as will Pennsylvania and Delaware and New Jersey—the States in our region—when you take a look at the Defense-designated ''Strategic Military Seaports'' within the operating range of the *McFarland*, which covers New York and New Jersey; Hampton Roads, VA; Morehead City, NC; Wilmington, NC; Charleston, SC, Savannah, GA; Jacksonville, FL; Gulfport, MS; Beaumont, TX; Corpus Christi, TX; the Earle Naval Weapons Station, NJ and Sunny Point, NC.

Senators from those States, beware about what is going to happen to your State if you don't have this dredger available to perform strategic military seaport operations at a time when there is a significant risk of terrorism.

The *McFarland* has also played a key role in responding to severe weather events and natural disasters. Most recently, the vessel was dispatched to the gulf coast to assist in Hurricane Katrina response efforts. So, Senators of Louisiana and Mississippi and Texas and Alabama, beware if this vessel is not available. There are two on the west coast. They can't get to these areas to perform needed rescue efforts.

There has been no plan put forward to address the void in the Nation's dredging capacity that will be created in the absence of the *McFarland*. The GAO has been critical of restricting the Federal hopper dredge fleet. It made a finding in a March 2003 report that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. That is because those in the private sector are on notice, with a Federal dredger available they are not in a position to raise their costs without the competition that would be supplied by the Federal dredger.

It isn't exactly a matter of having a great Federal fleet and looking to privatize or looking to help the private sector. You have 15 private dredgers, and they are interested in eliminating competition so they can raise the prices.

There was a report by the Corps of Engineers on June 3, 2005. That report does not provide sufficient support for its recommendation to eliminate the *McFarland*. You would think, if the committee was going to come forward and wanted to eliminate the *McFarland*, they would have some Federal report with verified data to rely upon, but they do not. The GAO, in 2003, says we ought not eliminate the limited Federal dredgers. The Corps of Engineers' report of 2005 doesn't give sufficient reasons for what the committee report seeks to accomplish.

There has been some suggestion that the *McFarland* is in need of repairs. That is contrary to fact. That is a scare tactic. The fact is that the *McFarland* is capable of operating for the next 10 to 12 years without undergoing any major rehabilitation work. As of March 23 of this year, just a few months ago, it was fully certified by the Coast Guard and the American Bureau of Shipping. The *McFarland* is able to be dispatched immediately to these areas.

Again, the availability of the *McFarland* ensures that prices will be reasonable when the Corps of Engineers contracts with private industry to perform dredge work. If the *McFarland* were to be decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and the Corps of Engineers' dredging costs will likely increase during peak work periods, when the availability of private bidders is limited.

The *McFarland* facilitates the safe and reliable movement of commercial goods. On the Delaware River alone, the *McFarland* helps maintain a shipping channel which supports 38 million metric tons of cargo per year at a total value of $14 billion—amounts which rank second and eighth in the Nation respectively. It is a big economic blow to my State and a big economic blow to Delaware and a big economic blow to New Jersey and a big economic blow to other States to have this *McFarland* phased out.

I am at a loss to see the motivation for the committee to come forward with this recommendation and in effect to pick a fight with half the States in the country. I will be anxious to see what the committee has by way of argument to justify eliminating the *McFarland*.

I ask unanimous consent that the full text of my printed remarks be printed in the RECORD.

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

Mr. President, I have sought recognition today to introduce an amendment to the pending bill, along with my colleagues, the Senators from Delaware, regarding the Federal Hopper Dredge *McFarland*. This amendment would strike language included in the bill to decommission the *McFarland* within 2 years of enactment. The *McFarland* is a 300 foot-long, oceangoing hopper dredge crewed by approximately 80 employees of the U.S. Army Corps of Engineers Philadelphia District. The Federal Government operates a total of four dredges—two on the West Coast and one in ''Ready Reserve'' status on the Gulf Coast. The *McFarland* is the only ''active'' Federal hopper dredge available to perform critical emergency and maintenance dredging work along the Atlantic and Gulf Coasts. I am advised that nearly 80 percent of the national hopper dredging workload occurs along these shores, and that no viable plan has been put forth to fill the void in our Nation's dredge capacity if the *McFarland* were to be decommissioned. Accordingly, I believe that reducing the Federal hopper dredge fleet at this time would be unwise considering its importance to both our national dredging capacity and a maritime industry that relies on prompt, reliable and cost-effective dredge service.

I am advised that the recommendation to decommission the *McFarland* was based on two contentious assertions: that $20 million in major rehabilitation work is required to support the *McFarland*'s continued operation; and that the private dredge industry can perform comparable dredge work at a lower rate than the *McFarland*. It is my understanding, however, that the *McFarland* is capable of operating for the next 10–12 years without undergoing any major rehabilitation work. The *McFarland* has benefitted from routine scheduled servicing and both major and minor overhauls over the past 6 years. The vessel maintains a full oceangoing certification from both the United States Coast Guard as well as the American Bureau of Shipping. I am advised that these inspections are performed on a yearly basis and that the *McFarland* passed both as recently as March 23, 2006. It is my understanding that no extraordinary funding source nor direct appropriation is required to keep the *McFarland* operational and available to perform emergency and maintenance dredging along the Atlantic and gulf coasts. Rather, the *McFarland* can perform dredge work for the remainder of its useful life supported only by a portion of the overall cost of the project on which it is working and routine maintenance.

The assertion that private industry can provide comparable dredge service at a lower rate than the *McFarland* is also questionable. The Corps of Engineers' June 3, 2005 Report to Congress does not sufficiently verify private industry data used to recommend the *McFarland*'s retirement, and there are no assurances that private industry will be able to fill the void created by decommissioning the *McFarland*. For one, private industry may also not have the capability to respond to dredging requirements in as timely a fashion as the *McFarland*. Being a Federal dredge, the *McFarland* is able to be dispatched immediately to respond to emergency situations that occur within its operating range. By contrast, it is my understanding that the bid solicitation and contract award process necessary to dispatch a private dredge typically requires a minimum of 2 weeks. If the *McFarland* is decommissioned, our national ability to respond to emergency dredging requirements in a timely manner will be jeopardized.

Additionally, the cost of dredging contracts could actually increase if the *McFarland* were decommissioned. I am advised that the mere availability of the *McFarland* to perform dredging work ensures that costs will be reasonable in times of high demand or when there are limited bids for dredging projects. The *McFarland*'s presence serves as a check to keep private industry pricing inline on non-Federal dredging contracts. The GAO recognized this in a March 2003 report noting that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. If the *McFarland* is decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and costs will likely increase during peak work periods when limited bidders are available.

Further, the *McFarland* dredges areas that private industry has historically avoided, such as environmental restoration projects which require strict adherence to potentially burdensome guidelines. The *McFarland* is also available to respond to small jobs which may not be attractive to private industry. Costly shipping delays could occur if private industry declined a dredge job that was economically unattractive, and a Federal fleet must be maintained to ensure the availability of dredge services in such situations.

The availability of prompt, cost-effective dredge services on both profitable and nonprofitable projects helps ensure the safe and reliable movement of goods coming to and from Atlantic and gulf coast ports. The reliable movement of maritime cargo is vital to the economy and preserving our current dredging capacity is indispensable to maintaining the authorized water depths necessary to support the Nation's commercial navigation activity. Port stakeholders are deeply concerned that costly shipping disruptions could occur if our national dredging capacity is reduced.

Reliable, cost-effective dredge service is also very important to the continued success of our Nation's military. The *McFarland* is available to respond immediately to emergency blockages at Department of Defense-designated ''Strategic Military Seaports'' within its operating range, including Philadelphia, New York/New Jersey, Hampton Roads, Morehead City, Wilmington, Charleston, Savannah, Jacksonville, Gulfport, Beaumont, Corpus Christi, Earle Naval Weapons Station and Sunny Point. Thousands of pieces of military equipment and cargo are shipped to Iraq and depots throughout the Nation from these ports and retaining the existing hopper dredge fleet is essential to ensuring that military cargo arrives at its destination on time.

In addition to supporting commercial and military navigation activities, the *McFarland* plays an important role in responding to severe weather events and natural disasters, including being dispatched to the gulf coast to assist in the Hurricane Katrina response efforts. Seasonal events and natural disasters place great demands on our Nation's already limited dredging capacity. Given the number of weather-related events experienced annually along the Atlantic and gulf coasts, all available dredge resources, including the *McFarland*, are essential and must be retained. Our Nation's ability to respond to natural disasters and weather-related events will be even more limited if the *McFarland* is decommissioned.

In conclusion, no plan has been put forth to address the void that will be created in the *McFarland*'s absence. Absent a viable plan to replace her dredging capacity, decommissioning the *McFarland* is dangerously premature and could have devastating impacts on our Nation's commercial, military and emergency response capabilities. The ability of the private dredge industry to replace the services provided by the *McFarland* at a reasonable rate has not been proved. The continued operation of the *McFarland* will ensure that emergency and maintenance dredging work on both the Atlantic and gulf coasts remains responsive, reliable and cost-effective. Accordingly, I urge my colleagues to adopt this amendment.

Mr. SPECTER. Mr. President, I am reserving 10 minutes for Senator CARPER, but I am waiting with interest to see what the chairman of this committee has to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time I will not give my full statement in opposition. I will say I would like, at this point, to have printed in the RECORD a couple of letters, one from the Transportation Institute and the other from the Seafarers International Union of North America, AFL–CIO, both saying essentially the same thing; that is, $165 million has been spent for

hoppers to be able to have modern dredges work in the same areas. The capacity is there to bring the *McFarland* up to date. It would be, according to the Corps of Engineers, a cost of about $20 million. For all these reasons, they oppose it.

I ask unanimous consent that these two letters be printed in the RECORD.

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

TRANSPORTATION INSTITUTE,
Camp Springs, MD, July 17, 2006.

Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Committee on Environment & Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: The Transportation Institute is of the understanding that the Senate is about to take up consideration of the Energy and Water Resources Act of 2005. We would like to take this opportunity to respectfully request that the Senate reject any attempt that might be offered during floor consideration of this bill that would modify the language contained in Sections 2021 and 563 of the bill.

These sections would decommission the 39 year-old Federal dredge *McFarland*. The Corps of Engineers is in support of the decommissioning, citing the private sector's aggressive $165 million investment in hopper dredge capacity over the past eight years. Moreover, it is our understanding that the Corps of Engineers has calculated an annual savings of some $10 million as a direct result of decommissioning the *McFarland*. Given the fact that the continued operation of the *McFarland* would only duplicate existing private sector capacity, it would seem fiscally prudent to take advantage of such a cost-saving opportunity.

The Transportation is in strong support of the passage of the Water Resources Development Act of 2005 with the language of Sections 2021 and 563 intact. Passage of this legislation would protect the commercial and environmental interests of our national waterway transportation system while concurrently reflecting the proven capability of our private hopper dredge industry.

Sincerely,

JAMES L. HENRY.

SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA,
Camp Springs, MD, July 16, 2006.

Hon. JAMES M. INHOFE, Chairman, Hon. JAMES M. JEFFORDS, Ranking,
Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MEMBER JEFFORDS: It is our understanding that the Senate is about to consider S.728, the Energy and Water Resources Development Act of 2005. The Seafarers International Union, along with a broad coalition or union, industry, agriculture, aggregate and other interests, has corresponded with Congress in support of this long overdue legislation critical to maintaining and protecting the commercial and environmental integrity of this vital national transportation system.

We would like to take this opportunity to recommend your opposition to any potential amendment that might be offered during floor consideration that would modify the intent of Section 2021 and Section 563 of this bill. This provision, as presently worded, decommissions the 39 year-old Federal hopper dredge *McFarland* The decommissioning of this dredge has the support of the U.S. Army Corps of Engineers citing an anticipated annual savings of $10 million. Furthermore, over the past 8 years, the private sector has invested some $165 million in capital to expand and modernize the private sector hopper dredge fleet. In fact, I participated in the christening ceremony of the SIU-crewed hopper dredge *Liberty Island*, the newest addition to the Great Lakes Dredge and Dock hopper dredge fleet.

In closing, the Seafarers International Union supports passage of the Water Resources Development Act of 2005 with Section 563 fully intact. To do so would be cost effective and entirely appropriate given the private sector's demonstrated hopper dredge capability. Once again, we appreciate the opportunity to comment on this matter.

Sincerely,

MICHAEL SACCO.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Pennsylvania is recognized.

Mr. INHOFE. Could I interrupt just for a moment? I would like at this point to yield a few minutes, whatever time is necessary off of our time, to the Senator from Missouri who has another committee hearing and would like to take his time now. Would that be acceptable?

Mr. SPECTER. Mr. President, I will be glad to yield to the distinguished Senator from Missouri if I may ask one question that was raised by what the Senator from Oklahoma has just said. He has made the assertion that it would cost $20 million to bring the *McFarland* up to shape. I ask him, what is the source for that and how does that square with the fact that on March 23 of this year, just a few months ago, the *McFarland* was fully certified by the Coast Guard and the American Bureau of Shipping, so that it is in good shape and would require no funding to keep it in operation?

Mr. INHOFE. Mr. President, it doesn't need the $20 million to bring it up to standard for it to compete. The Corps of Engineers has stated that its operational costs are almost double that of the private sector dredging that has been taking place. This has been agreed to by the Seafarers International Union of North America. So it is the Corps of Engineers that is making that assertion, and it is agreed to by both the Seafarers International Union and the Transportation Institute.

Mr. SPECTER. Mr. President, if I may make one statement before yielding to the Senator from Missouri, that is in direct variance with a report of the Corps of Engineers on June 3 that did not sufficiently justify its recommendation to retire the *McFarland*. And they found further that there are no assurances that private industry will be able to fill the void created by the decommissioning of *McFarland*.

I yield now to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our chairman and manager of the bill for yielding time. I join him in urging that my colleagues oppose the amendment to strike the provision to decommission the Hopper Dredge *McFarland*.

As has already been stated, the *McFarland* is an expensive, 39-year-old hopper dredge which costs $79,000 a day to operate, more than double what a more technologically capable commercial dredge would cost. The *McFarland* imposes a wasteful expenditure of scarce resources on Corps dredging projects.

The Energy and Water bill will provide money for removing asbestos from the *McFarland*, another expense we don't need. In addition, it needs between $20 million and $40 million in upgrades to bring its safety and operational efficiency to minimal levels of acceptability in comparison with state-of-the-art private sector dredges.

Since 1978 the dredging industry has developed the capability to perform the majority of the Corps' dredging work.

This came as a result of Public Law 95–269, which directed the Secretary of the Army to dredge by contract, if he determines private industry has the capability to do such work and it can be done at reasonable prices and in a timely manner.

Under the law the Secretary ''shall retain only the minimum federally owned fleet'' to ''carry out emergency and national defense work'' and may set aside ''such amount of work as he determines to be reasonably necessary to keep such fleet fully operational . . . for as long as he determines necessary.''

During the last decade the Corps has successfully followed a ''use industry first'' policy.

Today's facts: industry is more capable; has provided more than reasonable prices; and responds routinely in a timely manner and successfully to emergencies.

All four government dredges, including the ready reserve dredge Wheeler, are fully operational.

The data does not support the continued operation of the 39-year-old *McFarland* or spending an additional $20–40 million on its modernization. The vision provided by Congress and implemented by the Corps has resulted in a vibrant and competitive marketplace.

As the Corps' November 2005 Hopper Dredge Report to Congress points out, generally, the combined industry/Corps hopper fleet has been able to meet demand.

With the January 2006 launching of the hopper dredge *Glenn Edwards*, industry has added 18 percent additional hopper capacity to the combined Federal/private hopper dredge fleet.

With a hopper capacity in excess of 13,000 CY, the *Glenn Edwards* is configured to dredge in all deep draft commercial ports in a highly effective manner. Therefore, ability to meet the Nation's hopper dredging needs has been greatly enhanced since the Corps' Hopper Dredge Report to Congress was released.

Industry by and large does most of its work for the Corps under contract.

Therefore, if an emergency arises and industry dredges are all working, the Corps has the ability to reassign a private dredge working elsewhere under Corps contract to do an emergency dredging job.

Most of the dredging requirements on the Delaware River, particularly in the upper reaches near Philadelphia and Wilmington, can be accomplished through the use of nonhopper dredges. In fact, it is more efficient to dredge with a nonhopper dredge in the case of the *McFarland* because material must be pumped out of the hopper by private pumping equipment in the upper reaches of the Delaware River.

The Corps hopper dredge *Wheeler* was placed in ''Ready Reserve'' by the Congress in WRDA in 1996 as insurance that a hopper dredge would be available to respond to urgent and emergency dredging needs in the gulf, on the Mississippi River, and on the east coast.

The Wheeler has actually been used on the east coast to respond to emergencies when a private hopper dredge is not available. Therefore, the *Wheeler* is working exactly as Congress intended—as insurance for use during emergencies.

We should be looking for ways to make the operation of our major activities more efficient by using private sector facilities where they can be done more reasonably and more effectively rather than spending large amounts of Federal dollars just to keep the dredge in operational capability. Paying a very high charge for it every day when there are better rates available warrants the recommendation in the WRDA bill that we decommission the Hopper Dredge *McFarland*.

I urge my colleagues not to support the striking motion.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief reply to the comments of the Senator from Missouri, the Corps of Engineers has put a $20 million figure for putting the *McFarland* into Ready Reserve. But that doesn't deal with having the *McFarland* operational. That estimate was disputed by the Maritime Exchange for the Delaware River and others presenting factual information.

I have just checked to find out if there was any hearing held on this matter. But I am advised that there was not. The rest of the Corps of Engineers report did not provide assurances that private industry would be able to fill the void created by decommissioning the *McFarland*. When you come to the issue as to whether it is capable of proceeding operationally, no one has disputed the facts that the McFarland is capable of functioning for 10 to 12 years without undergoing any major rehabilitation work being fully certified by the Coast Guard and the American Bureau of Shipping as of March 23 of this year, an undisputed fact.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. SPECTER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask if Senator CARPER would await the arguments of the chairman.

Mr. INHOFE. Mr. President, let me comment.

I was asked the question by the Senator from Pennsylvania as to clarification on this Army Corps of Engineers report. It was the Energy and Water appropriations that made a request of the Corps of Engineers on June 3, 2005. The Corps report states:

> From the above discussion, the most reasonable option would be to retire the McFarland.

It goes on to state:

> It is expected that sufficient industry hopper dredging capability exists to perform the requirements that may occur on the Delaware River.

Finally, it states:

> McFarland would have to be rehabilitated and repowered at the cost of approximately $20 million.

It says that on page 22 of the report. I will go ahead.

I ask the Senator from Delaware to take his time and I will elaborate a little bit more on this on my time.

Mr. SPECTER. Mr. President, the argument that the Senator from Oklahoma makes about a 2005 report by the Corps of Engineers is flatly contradicted by the certification by the Coast Guard and the American Bureau of Shipping as of March 23, 2006, after the 2005 report referred to by the Senator from Oklahoma, that the *McFarland* requires no rehabilitation and remains operational and available to perform dredge work.

I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank Senator SPECTER, one, for yielding time, and, second, I thank him for offering an amendment to give me an opportunity to join him in offering this amendment.

Before I get to my remarks, for folks who are listening to the debate tonight, it might be confusing. There is a question as to whether this dredge called the *McFarland* is seaworthy. There is a question about whether the enormous investment—as much as $20 million—is required for it to be seaworthy or to become seaworthy or remain seaworthy. This is the deal.

The Coast Guard has said as recently as 4 months ago that the *McFarland* is seaworthy. There is no suggestion—at least that I am aware of—on behalf of the Coast Guard that says $20 million or $2 million has to be spent now or next year to make it continue to be seaworthy.

The question is, What kind of investments would be needed to be made in the *McFarland* if it were to be transitioned to the Ready Reserve? In that case, I am told that an investment—as much as $20 million—might be needed in order to transition this vessel to the Ready Reserve. We are not proposing that the vessel be transitioned to the Ready Reserve. We are simply proposing that it be allowed to continue the work it does along the east coast and not long ago down on the gulf coast as well.

I think maybe that is clarifying and maybe a little bit illuminating for some of the people who are listening to this debate on the edge of their seats to determine the future of the *McFarland*.

The *McFarland* is based in Philadelphia and is one of the four hopper dredges currently owned and operated by the Army Corps of Engineers. It is the only Federal dredge stationed on the Atlantic coast.

The *McFarland* is used for maintenance dredging on the Delaware River and the Delaware Bay as well as on the east coast and the gulf coast of our country. It is also used for emergency and for national defense dredging wherever that might be needed.

The *McFarland* has been used to restore navigation after major emergencies, such as along the gulf coast after Hurricane Katrina, and after the four hurricanes that hit Florida in 2004. This dredge is also utilized when no private dredge is available and no reasonable bid is made by private industry.

In 1979, Congress passed a law instructing the Corps to use private industry dredges when industry has the capability to do the work at reasonable prices and in a timely manner. Congress also directed the Corps to retire Federal dredges when private industry demonstrated the capability to do the work. At the same time, the Corps was charged with maintaining a federally owned fleet to carry out emergency and national defense work.

In attempting to balance these responsibilities, the Army Corps produced a report in 2004 calling for the decommissioning of the *McFarland* dredge, saying that private dredgers had increased their capacity to do the same job for less. But the Corps report was sharply criticized subsequently by the Government Accountability Office for flaws in its analysis and its cost estimates.

As a result, a new report was produced last year by the Army Corps. While it still called for the decommissioning of the *McFarland*, it raised several troubling questions about private industry's capacity and the Army Corps' ability to respond to emergencies without the *McFarland*.

The report indicated that the Corps' dredge fleet is still sometimes needed, saying ''industry alone has not been able to meet peak demands.''

The report goes on further to say that when private capacity is

stretched, the Corps fleet is needed to protect the taxpayers' dollars and ensure reasonable bids. It states:

> With such a limited number of vessels in the fleet, and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand, and costs will rise. The Corps' presence will serve as a deterrent for potential cost increases.

Without the *McFarland*, when private industry is at capacity and unable to respond to dredging needs on the east coast, we will have to turn to the *Wheeler* dredge, which is stationed in New Orleans. But this dredge is already in high demand. And in recent years, both dredges have been needed to respond to natural emergencies.

Emergency situations were considered by the Corps. They looked at a ''worst case scenario'' in their report, using the 2004 hurricane season as a good example of a worst case scenario. That year, private industry's capacity was stretched and natural disasters created an emergency need for still further dredge work.

The Army Corps pointed out in their report that the *McFarland* was needed in 2004 to respond to the four hurricanes that hit Florida. But the report downplayed the likelihood of a worst case scenario occurring again, saying:

> Having four hurricanes in a row with the extent and magnitude of damages experienced is not a common occurrence.

I wish that were true. Sadly, the following year, demonstrated that the worst Hurricanes Katrina, Rita and Wilma case scenario can come in different forms. And more active hurricane seasons are predicted to continue to occur this year, next year, and the year after that.

We would all love to believe that this type of disaster will not happen again and that we do not have to plan for that possibility. But we have no choice.

Active hurricane seasons should be expected, and we cannot fail to clear our navigation channels after a disaster—they are too important to our economy and our national security.

Finally, the Corps has found that smaller channels and smaller jobs sometimes do not attract as many bids from private industry. The Corps expressed concern about this in their report.

In discussing the industry's lack of ability to meet peak demands, it pointed out that private industry may not always have the right kind of dredge available to serve a smaller channel.

These same concerns can apply to smaller jobs, where it is not cost effective to move a private industry dredge to perform the work. In fact, without the *McFarland*, it might not be economical to use the remaining federal dredges to respond to such jobs. It could cost as much to move the Wheeler to the northeast Atlantic coast and back to the gulf as it would cost to operate it for 2 weeks.

In this case, it would be more economical to keep the *McFarland* where it is. This way it can be used when there is not enough private dredge capacity to meet the needs along the east coast.

We must ensure that we can maintain our waterways and access to our ports, whether small or large.

We should also continue to support the growing private dredge industry. However, we cannot and should not expect private industry to do work that is not profitable or beyond their capacity.

Nor can we plan for only the best case scenarios. Recent hurricane seasons have proven that we don't have that luxury.

To my colleagues, I urge support for this amendment. I thank Senator SPECTER for offering it. I am pleased, again, to join him in doing so.

I yield back whatever time I have not consumed.

Mr. SPECTER. Mr. President, I yield to the distinguished Democrat manager of the bill, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in support of the Specter-Carper amendment of the hopper dredge *McFarland*.

The Corps of Engineers maintains a fleet of four hopper dredges, and according to the GAO the Corps needs to maintain its own fleet, even when there are commercial dredges available.

One reason the Corps needs to maintain a hopper dredge fleet is that changes in annual weather patterns and severe weather events, such as hurricanes and floods, can create a wide disparity in the demand for hopper dredges from year to year.

The *McFarland* is the only hopper dredge on the East coast. If it were retired, it is not certain that the needs of the East coast during an emergency could be met by the private sector.

I support the amendment by Senators SPECTER and CARPER that would keep the *McFarland* in the hopper dredge fleet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Vermont, the ranking member of the committee, for those comments.

I think he puts his finger on the critical spot. That is, if the *McFarland* is decommissioned, we may well have a need which will not be fulfilled. That was a big hole in the report of the Corps of Engineers that there were no assurances that the private sector would be able to handle the workload.

The fact is, as outlined in the report by the Corps of Engineers, the Corps' hopper dredges serve to ensure that costs will be reasonable, but with a limited number of vessels in the fleet and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand and costs will rise.

The Corps' presence will serve as a deterrent for potential cost increases. That means we need to keep the *McFarland* in operation.

The report goes on to say that a current example is the Wheeler being called out in February to perform work in the Mississippi River when a single industry bid exceeded the award amount. The Corps report further points out during the peak workload scenario, the largest industry hopper dredge, the *Stuyvesant*, experienced engine trouble and had to stop work, creating a capability shortfall. Subsequent to this event, increased shoaling in the Mobile Harbor created the need for an additional hopper dredge resulting in calling out the *Wheeler*, as the *McFarland* was also fully engaged.

When there has been talk about the daily rate of the *McFarland*, it is unsupported by the fine print. The *McFarland*'s estimated daily rate includes a payment the Corps has to make into a ''dredge replacement fund'' even though the Corps has no intention of replacing the *McFarland* with another federal dredge. Therefore, the daily rate which has been cited is inflated, unrealistic, and does not support decommissioning the *McFarland*.

How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know no Senator on this floor would misrepresent the facts in a case like this. We have an opportunity with an agreed-to provision of our bill, which I thought we all agreed to, that we are able to save a lot of money and finally put this thing to rest.

Every year we go through this same exercise. Everyone wants to keep this old relic called the *McFarland*. I cannot figure out for the life of me why they want to do it other than the fact maybe this is some kind of an emotional institution that exists that we want to hold on to. If that is the case, maybe we should let the Historical Society have that and they can see what dredging used to be like in the old days.

The *McFarland* is the oldest and most expensive hopper dredge owned and operated by the Corps. The Corps did a study in the hopper fleet and concluded that the *McFarland* should be retired. The WRDA bill does that. The pending amendment would prevent the retirement of the *McFarland*.

The Corps found the *McFarland* operates at almost double the daily cost of a private-sector dredge, and there is sufficient private dredge capacity to cover the work of the *McFarland*.

Proponents of keeping the *McFarland* in service argue that it is necessary for two main reasons. No. 1, to keep the Delaware River free from navigational hazards and to be ready for emergency dredging. Both are incorrect.

The Corps found they have more than enough capacity to handle dredge for

the Delaware River. Private dredges currently do over 80 percent of the dredging in the *McFarland* service area and still have idle capacity. The *McFarland* is the wrong type of dredge for much of the work on the Delaware.

The Corps and private industry have an agreement whereby the Corps can pull any private dredge off of any Corps project to send to an emergency. Since this agreement, the *McFarland* has not done any emergency work on the Delaware. Not only is the *McFarland* dramatically more expensive to operate than the private dredges, its age necessitates a rehabilitation that would cost over $20 million to remain in service. Even after updating, it would still be far more expensive to operate than those private dredges.

Since 1978, Corps policy has been to use industry first. This policy has been very successful. We need to retire this inefficient dredge. It will save the taxpayers a lot of dollars and get the Government out of the business of competing with the private sector.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this effort to retain the *McFarland* is not being undertaken for historical reasons. To talk about placing the *McFarland* in a museum is making light of an issue which is very, very serious for my State. It is potentially serious for about two-thirds of the other States in the United States which are affected by hurricanes and which have very important national security areas.

This amendment is being pursued at the request of the Governor of Pennsylvania and the Maritime Exchange. They are deadly serious about the adverse impact of retiring the *McFarland*.

On the Delaware River alone the *McFarland* helps maintain a shipping channel that supports 38 million metric tons of cargo per year, a total value of $14 million. That ranks second and eighth in the Nation.

We are not talking about a museum piece. We are talking about a dredge which is vital for jobs and the economy of the region. We are talking about the *McFarland*'s availability to respond to emergency blockades at the Department of Defense designated strategic military seaports. You are not talking about an antique. You are talking about an era where terrorism is an ongoing threat; where, within the past 2 weeks, we had a threat by terrorists to blow up the Holland Tunnel; where the President has a terrorist surveillance program which has superseded the Foreign Intelligence Surveillance Act and is viewed under the President's article II powers as a wartime precedent because of the threat of terrorism.

We are talking about Department of Defense interests in New Jersey, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, and Texas. We are talking about a dredge which played a key role in responding to severe weather events and natural disasters and was dispatched to the gulf coast to assist in Hurricane Katrina.

We have a report by the Corps of Engineers which relies upon industry data. The Corps report concedes that ''to verify the industry data would require extensive auditing and is beyond the scope or need of this report.''

Beyond the scope of the report; we ought to rely on a Corps of Engineers report that relies upon industry data where the industry has a vested interest in having the *McFarland* retired so they can make more money, and you have a national defense interest?

There has been no case made by the committee to replace the *McFarland*.

How much time remains on my side?

The PRESIDING OFFICER (Mr. DEMINT). The Senator has 2½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I have listened to these arguments. We keep going back and refuting the arguments. We have it documented. There is no question about that.

As far as the national security ramifications are concerned, I tell my good friend from Pennsylvania I have served for 20 years either on the House or the Senate Committee on Armed Services and I have watched these things very carefully.

The Senator has mentioned San Diego and San Francisco, all these areas for national security purposes.

I suggest to my good friend from Pennsylvania that these do not use the Corps dredges. They use private-sector dredges in these areas, in all of them you mentioned.

Again, going back to the arguments, as I quoted from institutions such as the Transportation Institute and the Seafarers International Union of North America, AFL–CIO, they all say the same thing, which I could repeat as many times as we need to tonight—and I have quite a bit of time left, so I guess I could do it several times—that it would take $20 million or so to refurbish this thing, to get it so it can operate.

The report that was quoted by the Senator from Pennsylvania of the American Bureau of Shipping, that was, as I understand it, only referring to the hull, that the hull has some problems and that the hull is not cracked. So again, I just repeat these arguments, as I have done before.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I did not refer to San Francisco and I did not refer to San Diego. The long list of States affected were on the east coast and on the gulf. There are two other Federal dredgers on the west coast.

I have great respect for the distinguished Senator from Oklahoma and his 20 years of service on the Armed Services Committee. But I have been, for 26 years, on the Defense Appropriations Subcommittee and have some familiarity with these issues. I was on the Intelligence Committee for 8 years and chaired it in the 104th Congress and have some appreciation of the problems of terrorism. And I have served on the Judiciary Committee for 26 years, now chair it, and have been very deeply involved in the President's electronics surveillance program which has superseded the Foreign Intelligence Surveillance Act because of the threat of terrorism.

We are talking here about having the *McFarland* available in many, many ports and in many, many States—not the State of California and San Francisco or San Diego, but in Pennsylvania, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, and others; and the gulf coast States affected by the hurricane, again, Texas and Louisiana and Mississippi and Alabama and Florida.

We are dealing here with a very flimsy Corps of Engineers report which is based on industry data which is not verified—a concession they make in this report. And it is provided by industry sources which have a vested interest and a bias in eliminating the McFarland as a competitor.

Mr. President, I think it is fair to say that if the committee's point on decommissioning the *McFarland* is to stand, they have a burden of proof. And they have not established it. There has not been a hearing on this subject. There has not been reliable evidence. And I would say that in the face of the threat of terrorism, and the work that the *McFarland* does in that area, and the work that the *McFarland* did in Hurricane Katrina, that their burden of proof is more than a preponderance of the evidence; it ought to be clear and convincing. And it has not been either clear or convincing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, it is my understanding that his time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma has 16 minutes.

Mr. INHOFE. Mr. President, I will just take a couple minutes.

Let me say, if the argument is that it is the industry influencing these reports, I think it is rather strange that the Seafarers International Union of North America, the AFL–CIO, are the ones that agree with this report and strongly recommend that we vote against this amendment to keep us from retiring this—as I referred to several times—this relic.

Now, the Senator has a couple of arguments I had not responded to. One was he states that it went down and performed some type of a function in Katrina. It is my information they took it down to Katrina, but it would not work, so they used it as an office.

As far as the ''flimsy'' report is concerned, I do not think I have actually

read from the report, but this says this is in response to the Energy and Water appropriations bill. They requested the Corps of Engineers to clear this up so once and for all we can get rid of this relic. This was June 3 of 2005. They said, reading from that report:

[I]t is expected that sufficient industry hopper dredge capability exists to perform the requirements. . . .

It further says:

Even if the scheduled work for the McFarland were maximized, the reduction in daily rate would still be almost double the daily rate of a comparable industry hopper dredge. . . .the McFarland is the oldest dredge in the fleet, and operates at a daily rate that substantially exceeds comparable industry medium class hopper dredges. If the McFarland were to be kept in the Minimum Fleet it would have to be rehabilitated and repowered at a cost of approximately $20 million.

So what you are saying is, you want to spend public funds of $20 million more to get something to compete with the private sector, that costs twice as much to operate as the private sector. I think this is absurd. I think we have been trying to do this for a number of years.

Now, we have the labor unions joining other interests in saying that we need to get rid of this thing and start saving money in our dredging. I urge my colleagues to oppose the amendment by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—63

Akaka	Harkin	Murkowski
Baucus	Hatch	Murray
Bennett	Hutchison	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Isakson	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Santorum
Chambliss	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Cochran	Leahy	Sessions
Collins	Levin	Shelby
Dayton	Lieberman	Snowe
DeWine	Lincoln	Specter
Dole	Lott	Stabenow
Domenici	Martinez	Stevens
Feingold	McCain	Vitter
Feinstein	Menendez	Warner
Graham	Mikulski	Wyden

NAYS—36

Alexander	Bayh	Bunning
Allard	Bond	Burns
Allen	Brownback	Burr
Coburn	Ensign	McConnell
Coleman	Enzi	Obama
Conrad	Frist	Roberts
Cornyn	Grassley	Smith
Craig	Gregg	Sununu
Crapo	Hagel	Talent
DeMint	Inhofe	Thomas
Dorgan	Kyl	Thune
Durbin	Lugar	Voinovich

NOT VOTING—1

Dodd

The amendment (No. 4680) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DUSTIN DERGA

Mr. DEWINE. Mr. President, this evening I rise to pay tribute to a courageous marine, LCpl Dustin Derga, of Pickerington, OH. Dustin was killed in Iraq while fighting insurgents on May 8, 2005, Mother's Day. After taking an interest in the military as a child, Dustin served 5½ years as a marine, and Operation Iraqi Freedom was to be his final deployment. Sadly, 24-year-old Dustin died just 1 month short of his scheduled homecoming.

He is survived by his mother Stephanie, his father and stepmother, Robert and Marla, sister Kristin, and girlfriend Kristin Earhart.

A 1999 graduate of Pickerington High School, Dustin went on to attend Columbus State Community College, where he pursued a degree in EMS and fire science. He also served his community by working as a firefighter.

Robert Derga shared these words about his son:

Dustin was a great pitcher and could play just about any position. He loved to play catcher, which was unusual. I remember all the weekends we would go out to the ball diamonds and watch him play ball. We really enjoyed that. He loved working with his hands. He just loved doing things and getting his elbows dirty.

Friends describe Dustin as fun-loving and said he was always trying to make others laugh. His father recalled that:

Dustin had a wonderful, fun personality. When you first met him, he seemed quiet and somewhat reserved—at least he let you think that. But once he got to know you, he would reveal that he is a practical joker at heart and the life of the party. He always had a great smile on his face. All the guys in Dustin's unit said he was always making them laugh.

Laura Giller of Pickerington said this about Dustin:

Dustin was my friend, and I always enjoyed seeing his face wherever I went. I worked with him, and whenever he was there, it made the day that much better. He always told the silliest jokes. I will never forget the friendship that Dustin gave me. Thank God for men like him.

Erik Mellquist, another hometown friend of Dustin's, wrote the following on an Internet tribute site:

Dustin was a great guy. I remember laughing constantly during cub scouts and little league baseball whenever Dustin was around. Thank you for sharing him with the rest of us.

Friends also emphasized Dustin's loyalty to the Marines. Fellow reservist Jeff Schmitz of Pickerington commented:

I saw Dustin around the Reserve Center on drill weekends. He was a great Marine and an even better human being. He will be greatly missed.

Retired marine Mike Hamilton added:

Dustin was a friend and fellow firefighter here in Baltimore, OH. I used to kid him about being too small to be a marine. He would set me straight, and then we would discuss the differences between the new Marine Corps he was in and the old one I was in. We both loved the Corps.

Dustin's loyalty to his military service was also apparent to his family and to those with whom he served. Robert said that his son ''had a passion for the Corps and was proud to be a Marine. Dustin really respected his brothers in the unit and he tried to have a good time with his comrades, even under the worst of conditions.''

Dustin's girlfriend Kristin wrote:

Dustin was a great man. I wish everyone would have been given the opportunity to know him. He was my world, my heart, and my soul. His smile would make your heart melt. He was so honored to be a part of the U.S. Marine Corps and defend every last one of us.

A friend named Martin shared the following memories of Dustin, and also his good friend, Nick Erdy, a fellow marine who died 3 days after Dustin. This is what his friend, Martin, said:

Derga and Erdy were some of the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq, they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. The first platoon will never be the same without them and the others that we lost. They were great guys, and they will be remembered in our hearts forever. They will never be forgotten.

Upon returning from Iraq, Dustin planned to finish college and use his savings to buy a new truck. In one of his last notes home he wrote:

I miss everyone a lot and can't wait to get home and go on maybe three vacations. I look forward to one vacation in particular.

He and his girlfriend Kristen had been planning on taking a vacation with his friend Nick Erdy and his fiance Ashley Boots.

Ashley said they just wanted to go somewhere fun to relax. These plans, of course, came to a tragic end when both