

PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER
RESOURCES DEVELOPMENT ACT OF 2005

JUNE 29, 2005.—Referred to the House Calendar and ordered to be printed

Mrs. CAPITO, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 346]

The Committee on Rules, having had under consideration House Resolution 346, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2864, the Water Resources and Development Act of 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in the report may be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bill. The waivers of all points of order are prophylactic in nature.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Young (AK): Manager's amendment. Makes technical and conforming changes to project-related provisions, and authorizes or modifies additional projects brought to the Committee's attention following Committee action, including: Six projects based on Reports of the Chief of Engineers: Des Moines/Raccoon Rivers, Iowa, project for flood damage reduction; Port of Iberia, Louisiana, project for navigation; Raritan and Sandy Hook Bays, Union Beach, New Jersey, project for hurricane and storm damage reduction; Hocking River, Monday Creek Sub-basin, Ohio, project for environmental restoration; Pawley's Island, South Carolina, project for hurricane and storm damage reduction; Picayune Strand, Florida, project for environmental restoration. Authorization of 8 projects or programs and modification of 7 existing projects or programs: authorization of 2 small projects for flood damage reduction and modification of 3 flood damage reduction projects; authorization of 2 small projects for emergency streambank protection; modification of 3 navigation projects; authorization of 4 environmental restoration programs and modification of 1 environmental restoration program; authorization of 4 Corps of Engineers studies and modification of 2 studies; authorization of 1 land transfer for a navigation project; modification of 3 programs related to water resources management; and authorization or modification of projects related to water resources development. (10 minutes)

2. Menendez: Provides an authorization for the environmental restoration project in Liberty State Park, New Jersey, contingent on a favorable Chief's report being issued for the project prior to December 31 of this year. The federal share would be \$20.8 million, and the local share would be \$11.2 million. (10 minutes)

3. Stupak: Directs the Secretary of the Army Corps to budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in FY04. (10 minutes)

4. Rohrabacher: Allows U.S. ports to levy a container or tonnage fee on imports. To the extent this authority is used, it will shift the funding burden from American taxpayers to the foreign entities that use U.S. ports. The fees collected by the ports under this measure may only be spent on infrastructure and security related to the port that levies the fee. (10 minutes)

5. Davis (IL): Defines the sections of the North Branch Canal portion of the Chicago River between Kinzie and Fulton streets as non-navigable. (10 minutes)

6. Flake/Blumenauer: Amends the Mississippi River-Illinois Water Way Project, allowing construction of locks and dams to proceed only if 35 million tons of commodities are processed on average for 2007–2009 and requiring the implementation of an appoint-

ment system to schedule and prioritize barge traffic, a notification report, and a re-evaluation report. (10 minutes)

7. Kind: Adds a new provision requiring the Secretary to make an annual report to Congress on whether the lock and dam construction and ecosystem restoration projects are being carried out at comparable rates. Inserts the words, “or Congress” to clarify that Congress will share the authority with the Secretary in determining if the projects are moving forward at a comparable rate and adjust the annual funding accordingly. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 11, line 7, insert “(a) PROJECTS WITH CHIEF’S REPORT.—” before “Except as”.

Page 12, line 16, strike “SHILY” and insert “SHLY”.

Page 12, line 18, strike “Shily” and insert “Shly”.

Page 21, after line 21, insert the following:

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2005:

(1) DES MOINES/RACCOON RIVERS, IOWA.— The project for flood damage reduction, Des Moines/Raccoon Rivers, Iowa, at a total cost of \$10,000,000, with an estimated Federal cost of \$6,500,000 and an estimated non-Federal cost of \$3,500,000.

(2) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of \$194,000,000, with an estimated Federal cost of \$123,000,000 and an estimated non-Federal cost of \$71,000,000.

(3) RARITAN AND SANDY HOOK BAYS, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan and Sandy Hook Bays, Union Beach, New Jersey, at a total cost of \$99,095,000, with an estimated Federal cost of \$64,412,000 and an estimated non-Federal cost of \$34,683,000.

(4) HOCKING RIVER, MONDAY CREEK SUB-BASIN, OHIO.—The project for environmental restoration, Hocking River, Monday Creek Sub-basin, Ohio, at a total cost of \$20,000,000, with an estimated Federal cost of \$17,000,000 and an estimated non-Federal cost of \$3,000,000.

(5) PAWLEY’S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley’s Island, South Carolina, at a total cost of \$8,813,000, with an estimated Federal cost of \$4,133,000 and an estimated non-Federal cost of \$4,680,000.

Page 23, strike lines 9 through 13 and redesignate subsequent paragraphs accordingly.

Page 24, after line 18, insert the following:

(25) DRY AND OTTER CREEKS, CORTLAND, NEW YORK.—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

Page 27, line 8, strike “(a)(21)” and insert “(a)(19)”.

Page 27, line 19, strike “(a)(18)” and insert “(a)(16)”.

Page 28, line 1, strike “(a)(35)” and insert “(a)(34)”.

Page 29, after line 17, insert the following:

(10) DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

Page 29, after line 24, insert the following:

(12) OWEGO CREEK, TIOGA COUNTY, NEW YORK.—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

Page 40, line 1, after the second comma, insert “Shore Parkway Greenway,”.

Page 83, strike line 20 and all that follows through line 18 on page 85 and insert the following:

(a) DETERMINATION OF CERTAIN NATIONAL BENEFITS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Secretary may select a water resources project alternative that does not maximize net national economic development benefits or net national ecosystem restoration benefits if there is an overriding reason based on other Federal, State, local, or international concerns.

(2) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project the primary purpose of which is flood damage reduction, navigation, or hurricane and storm damage reduction, an overriding reason for selecting a plan other than the plan that maximizes net national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

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

Page 110, after line 20, insert the following:

SECTION 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois

River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) \$5,000,000, to carry out subsection (a)(2) \$5,000,000, and to carry out subsection (a)(3) \$5,000,000. Such sums shall remain available until expended.

Page 110, after line 22, insert the following (and redesignate subsequent sections accordingly):

SEC. 3001. COOK INLET, ALASKA.

Section 118(a)(2) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended—

- (1) by inserting “maximum navigational” before “draft”;
- (2) by striking “greater than”; and
- (3) by inserting “or greater” after “35 feet”.

Page 125, after line 23, insert the following (and redesignate subsequent sections accordingly):

SEC. 3032. SOUTH PLATTE RIVER BASIN, COLORADO.

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking “agriculture,” and inserting “agriculture, environmental restoration,”.

Page 130, line 17, strike “costs it” and insert “the Federal share of the costs the non-Federal interest”.

Page 130, line 18, after “project” insert “(including environmental mitigation costs and costs incurred for incomplete usable increments of the project)”.

Page 134, strike lines 10 through 22 and insert the following:

SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) **IN GENERAL.**—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

- (1) to include the channel between the harbor and the Illinois River; and
- (2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) **TERMS OF PARTNERSHIP AGREEMENT.**—The partnership agreement referred to in subsection (a) shall include the same rights and

responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

Page 134, line 23, strike “(b)” and insert “(c)”.

Page 159, strike section 3093 and insert the following:

SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “maximum Federal cost of \$5,200,000” and inserting “total cost of \$20,000,000”.

Page 190, after line 8, insert the following (and redesignate subsequent subsections accordingly):

(c) **CALCASIEU SHIP CHANNEL, LOUISIANA.—**

(1) **IN GENERAL.—**At such time as Pujo Heirs and Westland Corporation conveys all right, title, and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation.

(2) **LAND DESCRIPTION.—**The parcels of land referred to in paragraph (1) are the following:

(A) **NON-FEDERAL LAND.—**An equivalent area to the real property described in subparagraph (B). The parcels that may be exchanged include Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E-3, Tract 140E, or some combination thereof.

(B) **FEDERAL LAND.—**An area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E-2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and known as Corps of Engineers Dredge Material Placement Area O.

(3) **CONDITIONS.—**The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) **DEEDS.—**

(i) **NON-FEDERAL LAND.—**The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) **FEDERAL LAND.—**The conveyance of the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation shall be by quitclaim deed.

(B) **TIME LIMIT FOR EXCHANGE.—**The land exchange under paragraph (1) shall be completed not later than 1 year after the date of enactment of this Act.

(4) **VALUE OF PROPERTIES.—**If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (1), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

Page 201, after line 24, insert the following (and redesignate subsequent sections accordingly):

SEC. 4005. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan (1997–1999)), with a view to determining whether any modifications of recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

Page 213, lines 11 and 12, strike “services, materials, supplies, or other in-kind contributions” and insert “in-kind services and materials”.

Page 221, after line 20, insert the following (and redesignate subsequent sections accordingly):

SEC. 4073. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

Page 233, after line 4, insert the following (and redesignate subsequent sections accordingly):

SEC. 4105. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) REEVALUATION OF ENVIRONMENTAL RESTORATION FEATURES.—The Secretary shall reevaluate the project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), to develop alternatives to the separable environmental restoration element of the project.

(b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary shall conduct a study to determine the feasibility of additional flood damage reduction measures and erosion control measures within the boundaries of the project referred to in subsection (a).

(c) PLANS AND DESIGNS.—In conducting the studies referred to in subsections (a) and (b), the Secretary shall review plans and designs developed by non-Federal interests and shall use such plans and designs to the extent that the Secretary determines that such plans and designs are consistent with Federal standards.

(d) CREDIT TOWARD FEDERAL SHARE.—If an alternative environmental restoration element is authorized by law, the Secretary shall credit toward the Federal share of the cost of that project the costs incurred by the Secretary to carry out the separable environmental restoration element of the project referred to in subsection (a). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(e) CREDIT TOWARD THE NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the studies under subsections (a) and (b), and the cost of any project carried

out as a result of such studies the cost of work carried out by the non-Federal interest.

Page 238, strike line 9 and redesignate subsequent paragraphs accordingly.

Page 241, strike lines 4 through 10 and insert the following:

(c) FERN RIDGE DAM, OREGON.—

(1) IN GENERAL.—The Secretary shall plan, design, and complete emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon.

(2) TREATMENT.—The Secretary may treat work to be carried out under this subsection as a dam safety project, and the cost of the work may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

Page 242, line 6, strike “river mile 205 to river mile 308.4,”.

Page 243, after line 14, insert the following (and redesignate subsequent quoted paragraphs accordingly):

“(10) \$27,000,000 for the project described in subsection (c)(19);

Page 245, after line 11, insert the following (and redesignate subsequent paragraphs accordingly):

(6) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Page 249, line 19, strike “The Secretary” and insert the following:

“(1) DELAWARE RIVER.—The Secretary”.

Page 250, after line 2, insert the following:

(2) SUSQUEHANNA RIVER.—The Secretary may enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Corps of Engineers facilities in the Susquehanna River Basin during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

Page 252, after line 3, insert the following (and redesignate subsequent sections accordingly):

SEC. 5021. REHABILITATION.

The Secretary, at Federal expense and not to exceed \$1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking “\$10,000,000” and inserting “\$25,000,000”; and

(2) in subsection (c)(2) by striking “\$1,000,000” and inserting “\$10,000,000”.

SEC. 5023. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading “Administrative Provisions” of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

Page 253, after line 25, insert the following (and redesignate subsequent sections accordingly):

SEC. 5026. FIRE ISLAND, ALASKA.

(a) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a causeway between Point Campbell and Fire Island, Alaska, including the beneficial use of dredged material in the construction of the causeway.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 to carry out this section.

Page 257, strike lines 6 through 19 (and redesignate subsequent sections accordingly).

Page 262, after line 12, insert the following (and redesignate subsequent sections accordingly):

SEC. 5045. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

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

SEC. 5046. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after “water” the following: “and wastewater”;

(2) by striking “\$14,500,000” and inserting “\$24,500,000”.

SEC. 5047. ONTARIO AND CHINO, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in the vicinity of Ontario and Chino, California, if the Secretary determines that the project is feasible.

Page 263, after line 16, insert the following (and redesignate subsequent sections accordingly):

SEC. 5046. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities

identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) NON-FEDERAL SHARE.—

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

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000.

Page 267, after line 2, insert the following (and redesignate subsequent sections accordingly):

SEC. 5049. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report on the results of the study.

(b) SUISUN MARSH, CALIFORNIA.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(c) SAN PABLO AND SUISUN BAY MARSH WATERSHED CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

(2) TYPES OF ASSISTANCE.—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) NON-FEDERAL INTERESTS.—Notwithstanding the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may serve, with the consent of the affected local government, as a non-Federal interest for a project undertaken under this section.

(e) **COST SHARING.**—Before carrying out any project under this section, the Secretary shall enter into a partnership agreement with the non-Federal interest that shall require the non-Federal interest—

(1) to pay 35 percent of the cost of construction for the project;

(2) to provide any lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary to carry out the project; and

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(f) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) the cost of the studies, design, and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$40,000,000.

Page 270, strike lines 10 through 14 and insert the following:

SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

Page 270, line 25, strike the final period and insert “; and”.

Page 270, after line 25, insert the following:

(2) in subsection (f) by striking “\$100,000,000” and inserting “\$100,000,000, of which not more than \$15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida”.

Page 274, after line 17, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) to ensure aquatic integrity of sidechannels and backwaters and their connectivity with the mainstem river;

Page 275, after line 12, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

Page 275, line 22, strike “Coordinating Council” and insert “Watershed Association”.

Page 277, after line 14, add the following:

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by non-profit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

Page 280, strike lines 14 through 20 and insert the following:

SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reconstruct the Promontory Point section consistent with the original limestone step design. Additional costs associated with such reconstruction shall be a non-Federal responsibility. The costs of reconstruction not consistent with the original limestone step design shall be a non-Federal responsibility.

SEC. 5066. SOUTHWEST ILLINOIS.

(a) SOUTHWEST ILLINOIS DEFINED.—In this section, the term “Southwest Illinois” means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a

project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 287, after line 11, insert the following (and redesignate subsequent sections accordingly):

SEC. 5080. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1271), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

Page 287, after line 12, insert the following:

(a) MODIFICATION OF STUDY.—The study for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified—

(1) to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study; and

(2) to direct the Secretary to credit toward the non-Federal share the cost of the study and the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the study or project, as the case may be.

Page 287, line 13, before “Section” insert “(b) EXPEDITED CONSIDERATION.—”.

Page 287, lines 15 and 16, strike “Parish” and insert “, West Feliciana, and East Baton Rouge Parishes”.

Page 287, line 17, after the second comma insert “and”.

Page 287, lines 17 and 18, strike “, and interpretive center development”.

Page 306, after line 4, insert the following (and redesignate subsequent sections accordingly):

SEC. 5111. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking “\$1,000,000” and inserting “\$2,000,000”.

Page 309, after line 24, insert the following (and redesignate subsequent sections accordingly):

SEC. 5116. EAST TENNESSEE.

(a) **EAST TENNESSEE DEFINED.**—In this section, the term “East Tennessee” means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) **OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each partnership agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are nec-

essary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project cost under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project cost.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 314, line 3, strike “\$5,000,000” and insert “\$10,000,000”.

Page 314, after line 3, insert the following (and redesignate subsequent sections accordingly):

SEC. 5122. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term “Dallas County region” means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects con-

structed with assistance provided under this section shall be 100 percent.

(f) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

Page 325, strike lines 22 through 25 and insert the following:

“(9) **BUFFALO BAYOU, TEXAS.**—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

“(10) **HALLS BAYOU, TEXAS.**—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).

Page 327, after line 9, insert the following:

SEC. 5140. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

“(72) **CHARLESTON, SOUTH CAROLINA.**—\$20,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.”;

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

“(75) **INDIANAPOLIS, INDIANA.**—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.”;

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

“(77) **ST. CLAIR COUNTY, ALABAMA.**—\$5,000,000 for water related infrastructure, St. Clair County, Alabama.

“(78) CRAWFORD COUNTY, ARKANSAS.—\$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

“(79) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—\$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

“(80) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—\$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

“(81) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

“(82) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

“(83) RICHMOND, CALIFORNIA.—\$25,000,000 for a recycled water treatment facility, Richmond, California.

“(84) SANTA CLARA COUNTY, CALIFORNIA.—\$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

“(85) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

“(86) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—\$375,000 to improve water quality, and remove non-native aquatic species from the Sweetwater Reservoir, San Diego County, California.

“(87) WHITTIER, CALIFORNIA.—\$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

“(88) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—\$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

“(89) PUEBLO AND OTERO COUNTIES, COLORADO.—\$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

“(90) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

“(91) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—\$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

“(92) WASHINGTON, DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

“(93) CHARLOTTE COUNTY, FLORIDA.—\$3,000,000 for water supply infrastructure, Charlotte County, Florida.

“(94) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—\$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

“(95) COLLIER COUNTY, FLORIDA.—\$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

“(96) JACKSONVILLE, FLORIDA.—\$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

“(97) NORTH VERNON AND BUTLERVILLE, INDIANA.—\$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

“(98) SALEM, WASHINGTON COUNTY, INDIANA.—\$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

“(99) CENTRAL KENTUCKY.—\$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

“(100) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

“(101) CITY OF BILOXI, CITY OF GULFPORT, AND HARRISON COUNTY, MISSISSIPPI.—\$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

“(102) CLARK COUNTY, NEVADA.—\$30,000,000 for wastewater infrastructure, Clark County, Nevada.

“(103) HENDERSON, NEVADA.—\$5,000,000 for wastewater infrastructure, Henderson, Nevada.

“(104) PATERSON, NEW JERSEY.—\$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

“(105) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, Town of Sennett, New York.

“(106) SPRINGPORT AND FLEMING, NEW YORK.—\$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

“(107) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

“(108) RICHMOND COUNTY, NORTH CAROLINA.—\$8,000,000 for water related infrastructure, Richmond County, North Carolina.

“(109) UNION COUNTY, NORTH CAROLINA.—\$6,000,000 for wastewater infrastructure, Union County, North Carolina.

“(110) LAKE COUNTY, OHIO.—\$1,500,000 for wastewater infrastructure, Lake County, Ohio.

“(111) MENTOR-ON-LAKE, OHIO.—\$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

“(112) WILLOWICK, OHIO.—\$665,000 for water and wastewater infrastructure, Willowick, Ohio.

“(113) ALBANY, OREGON.—\$35,000,000 for wastewater infrastructure to improve water quality, Albany, Oregon.

“(114) BOROUGH OF STOCKERTON, BOROUGH OF TATAMY, AND PALMER TOWNSHIP, PENNSYLVANIA.—\$10,000,000 for stormwater control measures, particularly to address sink-

holes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

“(115) HATFIELD BOROUGH, PENNSYLVANIA.—\$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

“(116) LEHIGH COUNTY, PENNSYLVANIA.—\$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

“(117) NORTH WALES BOROUGH, PENNSYLVANIA.—\$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

“(118) PEN ARGYL, PENNSYLVANIA.—\$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

“(119) PHILADELPHIA, PENNSYLVANIA.—\$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

“(120) VERA CRUZ, PENNSYLVANIA.—\$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

“(121) COMMONWEALTH OF PUERTO RICO.—\$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

“(122) CROSS, SOUTH CAROLINA.—\$2,000,000 for water related environmental infrastructure, Cross, South Carolina.

“(123) MYRTLE BEACH, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

“(124) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

“(125) SURFSIDE, SOUTH CAROLINA.—\$6,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

“(126) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

“(127) DUCHESNE, IRON, AND Uintah COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

“(128) MONROE, NORTH CAROLINA.—\$11,500,000 for water related infrastructure, including water supply reservoir dredging, Monroe, North Carolina.

“(129) CHARLOTTE, NORTH CAROLINA.—\$5,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

“(130) LOS ANGELES COUNTY, CALIFORNIA.—\$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

“(131) ORANGE COUNTY, CALIFORNIA.—\$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

“(132) SAN BERNADINO COUNTY, CALIFORNIA.—\$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernadino County, California.

“(133) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEOR-

GIA.—\$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

“(134) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—\$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

“(135) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—\$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including \$13,000,000 for stormwater infrastructure for Upland, California.

“(136) FT. BEND COUNTY, TEXAS.—\$20,000,000 for wastewater infrastructure, Ft. Bend County, Texas.

“(137) NEW RIVER, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

“(138) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—\$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

“(139) LAKE NACIMIENTO, CALIFORNIA.—\$25,000,000 for water supply infrastructure for the communities of Atascadero, Paso Robles, Templeton, and San Luis Obispo, San Luis Obispo County, California.

“(140) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—\$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

“(141) SAIPAN, NORTHERN MARIANA ISLANDS.—\$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

“(142) STOCKTON, CALIFORNIA.—\$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

“(143) JACKSON, MISSISSIPPI.—\$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

“(144) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—\$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

“(145) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

“(146) EL PASO COUNTY, TEXAS.—\$25,000,000 for water related infrastructure and resource protection and development, El Paso County, Texas.

“(147) NORTHERN WEST VIRGINIA.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.”.

Page 329, line 19, strike the closing quotation marks and the final period and insert the following:

“(4) PROJECT SUBJECT TO A FINAL REPORT.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary

substantially in accordance with a final report of the Chief of Engineers:

“(A) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida, at a total cost of \$349,422,000, with an estimated Federal cost of \$174,711,000 and an estimated non-Federal cost of \$174,711,000, if a favorable report of the Chief is completed not later than December 31, 2005.”

Page 355, line 6, strike “this subsection” and insert “this title”. Conform the table of contents of the bill accordingly.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENENDEZ OF NEW JERSEY, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

After section 1001(b)(2) of the bill (as added by the manager’s amendment), add the following (and redesignate subsequent paragraphs accordingly):

(3) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of \$32,000,000, with an estimated Federal cost of \$20,800,000 and an estimated non-Federal cost of \$11,200,000.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK OF MICHIGAN, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 110, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 2041. CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

The Secretary shall budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in fiscal year 2004.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHRBACHER OF CALIFORNIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 110, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents, of the bill accordingly):

SEC. 2041. AUTHORITY OF NON-FEDERAL INTERESTS TO LEVY HARBOR FEES.

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) in the matter preceding paragraph (1) by striking “tonnage duties or fees” and inserting “one or more of tonnage duties, tonnage fees, and container fees”; and

(2) in paragraph (1)(A)—

(A) by striking “or” at the end of clause (i);

(B) by striking “and” at the end of clause (ii) and inserting “or”; and

(C) by inserting after clause (ii) the following:

“(iii) to finance the cost of construction and operation and maintenance of any infrastructure project for a harbor, including an infrastructure project outside the boundaries of the harbor if the project is for transportation to, from, or through the harbor; and”; and
 (3) in paragraph (1)(B) by inserting “and security” after “emergency response”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF ILLINOIS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 135, line 9, strike “The” and insert “(a) HALL STREET BRIDGE AND DIVISION STREET BRIDGE.—The”.

Page 135, after line 15, insert the following:

(b) KINZIE STREET AND FULTON STREET.—That portion of the navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending between Kinzie Street and Fulton Street where a structure existed prior to December 1998 shall not be considered as part of the navigation channel.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 346, strike lines 19 and 20 and insert the following:

(C) implement not later than January 1, 2006, an appointment system to schedule and prioritize, based upon the average lockage time of each barge company, traffic movements at each lock on the Upper Mississippi River and Illinois Waterway.

Page 347, strike lines 4 through 7 and insert the following:

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot-long locks at Locks 20, 21, 22, 24 and 25 on the Upper Mississippi River and at Lagrange Lock and Peoria Lock on the Illinois Waterway if the combined, 3-year average of the number of total tons of commodities processed at these 7 locks in calendar years 2007, 2008, and 2009 exceeds 35,000,000 tons.

(2) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress—

(A) before December 31, 2010, a notification report, prepared in consultation with the National Research Council of the National Academy of Sciences, indicating a recommendation on whether to proceed with new lock construction described in paragraph (1) based on a cost-benefit analysis and on activities undertaken under subsection (a)(1); and

(B) before December 31, 2013, a reevaluation report on whether to proceed with new lock construction described in paragraph (1) taking into account regional, national, and world market conditions and the development and application of new peer-reviewed models.

Page 347, line 8, strike “(2)” and insert “(3)”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 354, line 23, strike “and”;

Page 355, line 3, strike “rates.” and insert “rates; and”.

Page 355, after line (3), insert the following:

“(3) make an annual report to Congress, beginning in fiscal year 2008, regarding whether the projects are being carried out at a comparable rate.”.

Page 355, line 4, after “Secretary” insert “or Congress”.

