

104TH CONGRESS  
2D SESSION

# S. 640

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## AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Water Resources Development Act of 1996”.

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

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

TITLE I—WATER RESOURCES PROJECTS

- Sec. 101. Project authorizations.  
 Sec. 102. Project modifications.  
 Sec. 103. Project deauthorizations.  
 Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

- Sec. 201. Grand Prairie Region and Bayou Meto Basin, Arkansas.  
 Sec. 202. Heber Springs, Arkansas.  
 Sec. 203. Morgan Point, Arkansas.  
 Sec. 204. White River Basin Lakes, Arkansas and Missouri.  
 Sec. 205. Central and Southern Florida.  
 Sec. 206. West Palm Beach, Florida.  
 Sec. 207. Everglades and South Florida ecosystem restoration.  
 Sec. 208. Arkansas City and Winfield, Kansas.  
 Sec. 209. Mississippi River-Gulf Outlet, Louisiana.  
 Sec. 210. Coldwater River Watershed, Mississippi.  
 Sec. 211. Periodic maintenance dredging for Greenville Inner Harbor Channel,  
 Mississippi.  
 Sec. 212. Sardis Lake, Mississippi.  
 Sec. 213. Yalobusha River Watershed, Mississippi.  
 Sec. 214. Libby Dam, Montana.  
 Sec. 215. Small flood control project, Malta, Montana.  
 Sec. 216. Cliffwood Beach, New Jersey.  
 Sec. 217. Fire Island Inlet, New York.  
 Sec. 218. Queens County, New York.  
 Sec. 219. Buford Trenton Irrigation District, North Dakota and Montana.  
 Sec. 220. Jamestown Dam and Pipestem Dam, North Dakota.  
 Sec. 221. Wister Lake project, LeFlore County, Oklahoma.  
 Sec. 222. Willamette River, McKenzie Subbasin, Oregon.  
 Sec. 223. Abandoned and wrecked barge removal, Rhode Island.  
 Sec. 224. Providence River and Harbor, Rhode Island.  
 Sec. 225. Cooper Lake and Channels, Texas.  
 Sec. 226. Rudee Inlet, Virginia Beach, Virginia.  
 Sec. 227. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Cost-sharing for environmental projects.  
 Sec. 302. Collaborative research and development.  
 Sec. 303. National dam safety program.  
 Sec. 304. Hydroelectric power project uprating.  
 Sec. 305. Federal lump-sum payments for Federal operation and maintenance  
 costs.  
 Sec. 306. Cost-sharing for removal of existing project features.  
 Sec. 307. Termination of technical advisory committee.  
 Sec. 308. Conditions for project deauthorizations.

- Sec. 309. Participation in international engineering and scientific conferences.
- Sec. 310. Research and development in support of Army civil works program.
- Sec. 311. Interagency and international support authority.
- Sec. 312. Section 1135 program.
- Sec. 313. Environmental dredging.
- Sec. 314. Feasibility studies.
- Sec. 315. Obstruction removal requirement.
- Sec. 316. Levee owners manual.
- Sec. 317. Risk-based analysis methodology.
- Sec. 318. Sediments decontamination technology.
- Sec. 319. Melaleuca tree.
- Sec. 320. Faulkner Island, Connecticut.
- Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
- Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
- Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
- Sec. 324. Arkabutla Dam and Lake, Mississippi.
- Sec. 325. New York State canal system.
- Sec. 326. Quonset Point-Davisville, Rhode Island.
- Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
- Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
- Sec. 329. Washington Aqueduct.
- Sec. 330. Chesapeake Bay environmental restoration and protection program.
- Sec. 331. Research and development program to improve salmon survival.
- Sec. 332. Recreational user fees.
- Sec. 333. Shore protection.
- Sec. 334. Shoreline erosion control demonstration.
- Sec. 335. Review period for State and Federal agencies.
- Sec. 336. Dredged material disposal facilities.
- Sec. 337. Applicability of cost-sharing provisions.
- Sec. 338. Section 215 reimbursement limitation per project.
- Sec. 339. Waiver of uneconomical cost-sharing requirement.
- Sec. 340. Planning assistance to States.
- Sec. 341. Recovery of costs for cleanup of hazardous substances.
- Sec. 342. City of North Bonneville, Washington.
- Sec. 343. Columbia River Treaty Fishing Access.
- Sec. 344. Tri-Cities area, Washington.
- Sec. 345. Designation of locks and dams on Tennessee-Tombigbee Waterway.
- Sec. 346. Designation of J. Bennett Johnston Waterway.
- Sec. 347. Technical corrections.

**1 SEC. 2. DEFINITION OF SECRETARY.**

- 2        In this Act, the term “Secretary” means the Sec-  
 3        retary of the Army.

1       **TITLE I—WATER RESOURCES**  
2                                   **PROJECTS**

3       **SEC. 101. PROJECT AUTHORIZATIONS.**

4           (a) **PROJECTS WITH REPORTS.**—Except as otherwise  
5 provided in this subsection, the following projects for  
6 water resources development and conservation and other  
7 purposes are authorized to be carried out by the Secretary  
8 substantially in accordance with the plans, and subject to  
9 the conditions, recommended in the respective reports des-  
10 ignated in this subsection:

11                   (1) **HUMBOLDT HARBOR AND BAY, CALIFOR-**  
12                   **NIA.**—The project for navigation, Humboldt Harbor  
13                   and Bay, California: Report of the Chief of Engi-  
14                   neers, dated October 30, 1995, at a total cost of  
15                   \$15,180,000, with an estimated Federal cost of  
16                   \$10,116,000 and an estimated non-Federal cost of  
17                   \$5,064,000.

18                   (2) **MARIN COUNTY SHORELINE, SAN RAFAEL**  
19                   **CANAL, CALIFORNIA.**—The project for hurricane and  
20                   storm damage reduction, Marin County Shoreline,  
21                   San Rafael Canal, California: Report of the Chief of  
22                   Engineers, dated January 28, 1994, at a total cost  
23                   of \$27,200,000, with an estimated Federal cost of  
24                   \$17,700,000 and an estimated non-Federal cost of  
25                   \$9,500,000.

1           (3) SAN LORENZO RIVER, CALIFORNIA.—The  
2 project for flood control, San Lorenzo River, Califor-  
3 nia: Report of the Chief of Engineers, dated June  
4 30, 1994, at a total cost of \$16,100,000, with an es-  
5 timated Federal cost of \$8,100,000 and an esti-  
6 mated non-Federal cost of \$8,000,000 and the habi-  
7 tat restoration, at a total cost of \$4,050,000, with  
8 an estimated Federal cost of \$3,040,000 and an es-  
9 timated non-Federal cost of \$1,010,000.

10           (4) SANTA BARBARA HARBOR, SANTA BARBARA  
11 COUNTY, CALIFORNIA.—The project for navigation,  
12 Santa Barbara Harbor, Santa Barbara, California:  
13 Report of the Chief of Engineers, dated April 26,  
14 1994, at a total cost of \$5,720,000, with an esti-  
15 mated Federal cost of \$4,580,000 and an estimated  
16 non-Federal cost of \$1,140,000.

17           (5) ANACOSTIA RIVER AND TRIBUTARIES, DIS-  
18 TRICT OF COLUMBIA AND MARYLAND.—The project  
19 for environmental restoration, Anacostia River and  
20 tributaries, District of Columbia and Maryland: Re-  
21 port of the Chief of Engineers, dated October 1994,  
22 at a total cost of \$18,820,000, with an estimated  
23 Federal cost of \$14,120,000 and an estimated non-  
24 Federal cost of \$4,700,000.

1           (6) PALM VALLEY BRIDGE REPLACEMENT, ST.  
2           JOHNS COUNTY, FLORIDA.—The project for naviga-  
3           tion, Palm Valley Bridge, County Road 210, over  
4           the Atlantic Intracoastal Waterway in St. Johns  
5           County, Florida: Report of the Chief of Engineers,  
6           dated June 24, 1994, at a total Federal cost of  
7           \$15,312,000. As a condition of receipt of Federal  
8           funds, St. Johns County shall assume full ownership  
9           of the replacement bridge, including all associated  
10          operation, maintenance, repair, replacement, and re-  
11          habilitation costs.

12          (7) ILLINOIS SHORELINE STORM DAMAGE RE-  
13          DUCTION, WILMETTE TO ILLINOIS AND INDIANA  
14          STATE LINE.—The project for lake level flooding and  
15          storm damage reduction, extending from Wilmette,  
16          Illinois, to the Illinois and Indiana State line: Report  
17          of the Chief of Engineers, dated April 14, 1994, at  
18          a total cost of \$204,000,000, with an estimated Fed-  
19          eral cost of \$110,000,000 and an estimated non-  
20          Federal cost of \$94,000,000. The Secretary shall re-  
21          imburse the non-Federal interest for the Federal  
22          share of any costs that the non-Federal interest in-  
23          curs in constructing the breakwater near the South  
24          Water Filtration Plant, Chicago, Illinois.

1           (8) KENTUCKY LOCK ADDITION, KENTUCKY.—  
2           The project for navigation, Kentucky Lock Addition,  
3           Kentucky: Report of the Chief of Engineers, dated  
4           June 1, 1992, at a total cost of \$467,000,000. The  
5           construction costs of the project shall be paid—

6                   (A) 50 percent from amounts appropriated  
7                   from the general fund of the Treasury; and

8                   (B) 50 percent from amounts appropriated  
9                   from the Inland Waterways Trust Fund estab-  
10                  lished by section 9506 of the Internal Revenue  
11                  Code of 1986.

12           (9) POND CREEK, KENTUCKY.—The project for  
13           flood control, Pond Creek, Kentucky: Report of the  
14           Chief of Engineers, dated June 28, 1994, at a total  
15           cost of \$16,865,000, with an estimated Federal cost  
16           of \$11,243,000 and an estimated non-Federal cost  
17           of \$5,622,000.

18           (10) WOLF CREEK HYDROPOWER, CUM-  
19           BERLAND RIVER, KENTUCKY.—The project for hy-  
20           dropower, Wolf Creek Dam and Lake Cumberland,  
21           Kentucky: Report of the Chief of Engineers, dated  
22           June 28, 1994, at a total cost of \$50,230,000.  
23           Funds derived by the Tennessee Valley Authority  
24           from the power program of the Authority and funds  
25           derived from any private or public entity designated

1 by the Southeastern Power Administration may be  
2 used for all or part of any cost-sharing requirements  
3 for the project.

4 (11) PORT FOURCHON, LOUISIANA.—The  
5 project for navigation, Port Fourchon, Louisiana:  
6 Report of the Chief of Engineers, dated April 7,  
7 1995, at a total cost of \$2,812,000, with an esti-  
8 mated Federal cost of \$2,211,000 and an estimated  
9 non-Federal cost of \$601,000.

10 (12) WEST BANK HURRICANE PROTECTION  
11 LEVEE, JEFFERSON PARISH, LOUISIANA.—The West  
12 Bank Hurricane Protection Levee, Jefferson Parish,  
13 Louisiana project, authorized by section 401(b) of  
14 the Water Resources Development Act of 1986  
15 (Public Law 99–662; 100 Stat. 4128), is modified to  
16 authorize the Secretary to extend protection to areas  
17 east of the Harvey Canal, including an area east of  
18 the Algiers Canal: Report of the Chief of Engineers,  
19 dated May 1, 1995, at a total cost of \$217,000,000,  
20 with an estimated Federal cost of \$141,400,000 and  
21 an estimated non-Federal cost of \$75,600,000.

22 (13) STABILIZATION OF NATCHEZ BLUFFS, MIS-  
23 SISSIPPI.—The project for bluff stabilization, Natch-  
24 ez Bluffs, Natchez, Mississippi: Natchez Bluffs  
25 Study, dated September 1985, Natchez Bluffs

1 Study: Supplement I, dated June 1990, and Natchez  
2 Bluffs Study: Supplement II, dated December 1993,  
3 in the portions of the bluffs described in the reports  
4 designated in this paragraph as Clifton Avenue, area  
5 3; Bluff above Silver Street, area 6; Bluff above  
6 Natchez Under-the-Hill, area 7; and Madison Street  
7 to State Street, area 4, at a total cost of  
8 \$17,200,000, with an estimated Federal cost of  
9 \$12,900,000 and an estimated non-Federal cost of  
10 \$4,300,000.

11 (14) WOOD RIVER AT GRAND ISLAND, NE-  
12 BRASKA.—The project for flood control, Wood River  
13 at Grand Island, Nebraska: Report of the Chief of  
14 Engineers, dated May 3, 1994, at a total cost of  
15 \$10,500,000, with an estimated Federal cost of  
16 \$5,250,000 and an estimated non-Federal cost of  
17 \$5,250,000.

18 (15) ATLANTIC COAST OF LONG ISLAND, NEW  
19 YORK.—The project for hurricane and storm damage  
20 reduction, Atlantic Coast of Long Island from Jones  
21 Inlet to East Rockaway Inlet, Long Beach Island,  
22 New York: Report of the Chief of Engineers, dated  
23 April 5, 1996, at a total cost of \$72,091,000, with  
24 an estimated Federal cost of \$46,859,000 and an es-  
25 timated non-Federal cost of \$25,232,000.

1           (16) WILMINGTON HARBOR, CAPE FEAR-  
2           NORTHEAST CAPE FEAR RIVERS, NORTH CARO-  
3           LINA.—The project for navigation, Wilmington Har-  
4           bor, Cape Fear-Northeast Cape Fear Rivers, North  
5           Carolina: Report of the Chief of Engineers, dated  
6           June 24, 1994, at a total cost of \$23,290,000, with  
7           an estimated Federal cost of \$16,955,000 and an es-  
8           timated non-Federal cost of \$6,335,000.

9           (17) DUCK CREEK, OHIO.—The project for  
10          flood control, Duck Creek, Cincinnati, Ohio: Report  
11          of the Chief of Engineers, dated June 28, 1994, at  
12          a total cost of \$15,408,000, with an estimated Fed-  
13          eral cost of \$11,556,000 and an estimated non-Fed-  
14          eral cost of \$3,852,000.

15          (18) BIG SIOUX RIVER AND SKUNK CREEK AT  
16          SIOUX FALLS, SOUTH DAKOTA.—The project for  
17          flood control, Big Sioux River and Skunk Creek at  
18          Sioux Falls, South Dakota: Report of the Chief of  
19          Engineers, dated June 30, 1994, at a total cost of  
20          \$31,600,000, with an estimated Federal cost of  
21          \$23,600,000 and an estimated non-Federal cost of  
22          \$8,000,000.

23          (19) HOUSTON-GALVESTON NAVIGATION CHAN-  
24          NELS, TEXAS.—The project for navigation and envi-  
25          ronmental restoration, Houston-Galveston Naviga-

1 tion Channels, Texas: Report of the Chief of Engi-  
2 neers, dated May 9, 1996, at a total cost of  
3 \$508,757,000, with an estimated Federal cost of  
4 \$286,141,000 and an estimated non-Federal cost of  
5 \$222,616,000.

6 (20) ATLANTIC INTRACOASTAL WATERWAY  
7 BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESA-  
8 PEAKE, VIRGINIA.—The project for navigation at  
9 Great Bridge, Virginia Highway 168, over the Atlan-  
10 tic Intracoastal Waterway in Chesapeake, Virginia:  
11 Report of the Chief of Engineers, dated July 1,  
12 1994, at a total cost of \$23,680,000, with an esti-  
13 mated Federal cost of \$20,341,000 and an esti-  
14 mated non-Federal cost of \$3,339,000. The city of  
15 Chesapeake shall assume full ownership of the re-  
16 placement bridge, including all associated operation,  
17 maintenance, repair, replacement, and rehabilitation  
18 costs.

19 (21) MARMET LOCK REPLACEMENT, KANAWHA  
20 RIVER, WEST VIRGINIA.—The project for navigation,  
21 Marmet Lock Replacement, Marmet Locks and  
22 Dam, Kanawha River, West Virginia: Report of the  
23 Chief of Engineers, dated June 24, 1994, at a total  
24 cost of \$229,581,000. The construction costs of the  
25 project shall be paid—

1 (A) 50 percent from amounts appropriated  
2 from the general fund of the Treasury; and

3 (B) 50 percent from amounts appropriated  
4 from the Inland Waterways Trust Fund estab-  
5 lished by section 9506 of the Internal Revenue  
6 Code of 1986.

7 (b) PROJECTS SUBJECT TO FAVORABLE REPORT.—  
8 The following projects for water resources development  
9 and conservation and other purposes are authorized to be  
10 carried out by the Secretary substantially in accordance  
11 with the plans, and subject to the conditions, rec-  
12 ommended in a favorable final report (or in the case of  
13 the project described in paragraph (6), a favorable fea-  
14 sibility report) of the Chief of Engineers, if the report is  
15 completed not later than December 31, 1996:

16 (1) CHIGNIK, ALASKA.—The project for naviga-  
17 tion, Chignik, Alaska, at a total cost of \$10,365,000,  
18 with an estimated Federal cost of \$4,344,000 and  
19 an estimated non-Federal cost of \$6,021,000.

20 (2) COOK INLET, ALASKA.—The project for  
21 navigation, Cook Inlet, Alaska, at a total cost of  
22 \$5,342,000, with an estimated Federal cost of  
23 \$4,006,000 and an estimated non-Federal cost of  
24 \$1,336,000.

1           (3) AMERICAN RIVER WATERSHED, CALIFOR-  
2           NIA.—

3           (A) IN GENERAL.—The project for flood  
4           damage reduction, American and Sacramento  
5           Rivers, California: Supplemental Information  
6           Report for the American River Watershed  
7           Project, California, dated March 1996, at a  
8           total cost of \$57,300,000, with an estimated  
9           Federal cost of \$42,975,000 and an estimated  
10          non-Federal cost of \$14,325,000, consisting  
11          of—

12                   (i) approximately 24 miles of slurry  
13                   wall in the levees along the lower American  
14                   River;

15                   (ii) approximately 12 miles of levee  
16                   modifications along the east bank of the  
17                   Sacramento River downstream from the  
18                   Natomas Cross Canal;

19                   (iii) 3 telemeter streamflow gauges  
20                   upstream from the Folsom Reservoir; and

21                   (iv) modifications to the flood warning  
22                   system along the lower American River.

23           (B) CREDIT TOWARD NON-FEDERAL  
24           SHARE.—The non-Federal interest shall receive  
25           credit toward the non-Federal share of project

1 costs for expenses that the non-Federal interest  
2 incurs for design or construction of any of the  
3 features authorized under this paragraph before  
4 the date on which Federal funds are made  
5 available for construction of the project. The  
6 amount of the credit shall be determined by the  
7 Secretary.

8 (C) INTERIM OPERATION.—Until such time  
9 as a comprehensive flood control plan for the  
10 American River watershed has been imple-  
11 mented, the Secretary of the Interior shall con-  
12 tinue to operate the Folsom Dam and Reservoir  
13 to the variable 400,000/670,000 acre-feet of  
14 flood control storage capacity and shall extend  
15 the agreement between the Bureau of Reclama-  
16 tion and the Sacramento Area Flood Control  
17 Agency with respect to the watershed.

18 (D) OTHER COSTS.—The non-Federal in-  
19 terest shall be responsible for—

20 (i) all operation, maintenance, repair,  
21 replacement, and rehabilitation costs asso-  
22 ciated with the improvements carried out  
23 under this paragraph; and

1 (ii) the costs of the variable flood con-  
2 trol operation of the Folsom Dam and Res-  
3 ervoir.

4 (4) SANTA MONICA BREAKWATER, CALIFOR-  
5 NIA.—The project for hurricane and storm damage  
6 reduction, Santa Monica breakwater, California, at a  
7 total cost of \$6,440,000, with an estimated Federal  
8 cost of \$4,220,000 and an estimated non-Federal  
9 cost of \$2,220,000.

10 (5) LOWER SAVANNAH RIVER BASIN, SAVANNAH  
11 RIVER, GEORGIA AND SOUTH CAROLINA.—The  
12 project for environmental restoration, Lower Savan-  
13 nah River Basin, Savannah River, Georgia and  
14 South Carolina, at a total cost of \$3,419,000, with  
15 an estimated Federal cost of \$2,551,000 and an es-  
16 timated non-Federal cost of \$868,000.

17 (6) NEW HARMONY, INDIANA.—The project for  
18 shoreline erosion protection, Wabash River at New  
19 Harmony, Indiana, at a total cost of \$2,800,000,  
20 with an estimated Federal cost of \$2,100,000 and  
21 an estimated non-Federal cost of \$700,000.

22 (7) CHESAPEAKE AND DELAWARE CANAL,  
23 MARYLAND AND DELAWARE.—The project for navi-  
24 gation and safety improvements, Chesapeake and  
25 Delaware Canal, Baltimore Harbor channels, Dela-

1       ware and Maryland, at a total cost of \$33,000,000,  
2       with an estimated Federal cost of \$25,000,000 and  
3       an estimated non-Federal cost of \$8,000,000.

4               (8) POPLAR ISLAND, MARYLAND.—The project  
5       for beneficial use of clean dredged material in con-  
6       nection with the dredging of Baltimore Harbor and  
7       connecting channels, Poplar Island, Maryland, at a  
8       total cost of \$307,000,000, with an estimated Fed-  
9       eral cost of \$230,000,000 and an estimated non-  
10      Federal cost of \$77,000,000.

11              (9) LAS CRUCES, NEW MEXICO.—The project  
12      for flood damage reduction, Las Cruces, New Mex-  
13      ico, at a total cost of \$8,278,000, with an estimated  
14      Federal cost of \$5,494,000 and an estimated non-  
15      Federal cost of \$2,784,000.

16              (10) CAPE FEAR RIVER, NORTH CAROLINA.—  
17      The project for navigation, Cape Fear River deepen-  
18      ing, North Carolina, at a total cost of \$210,264,000,  
19      with an estimated Federal cost of \$130,159,000 and  
20      an estimated non-Federal cost of \$80,105,000.

21              (11) CHARLESTON HARBOR, SOUTH CARO-  
22      LINA.—The project for navigation, Charleston Har-  
23      bor, South Carolina, at a total cost of \$116,639,000,  
24      with an estimated Federal cost of \$72,798,000 and  
25      an estimated non-Federal cost of \$43,841,000.

1 **SEC. 102. PROJECT MODIFICATIONS.**

2 (a) MOBILE HARBOR, ALABAMA.—The undesignated  
3 paragraph under the heading “MOBILE HARBOR, ALA-  
4 BAMA” in section 201(a) of the Water Resources Develop-  
5 ment Act of 1986 (Public 99–662; 100 Stat. 4090) is  
6 amended by striking the first semicolon and all that fol-  
7 lows and inserting a period and the following: “In dispos-  
8 ing of dredged material from the project, the Secretary,  
9 after compliance with applicable laws and after oppor-  
10 tunity for public review and comment, may consider alter-  
11 natives to disposal of such material in the Gulf of Mexico,  
12 including environmentally acceptable alternatives consist-  
13 ing of beneficial uses of dredged material and environ-  
14 mental restoration.”.

15 (b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—  
16 If a favorable final report of the Chief of Engineers is  
17 issued not later than December 31, 1996, the project for  
18 flood control on the San Francisco River at Clifton, Ari-  
19 zona, authorized by section 101(a)(3) of the Water Re-  
20 sources Development Act of 1990 (Public Law 101–640;  
21 104 Stat. 4606), is modified to authorize the Secretary  
22 to construct the project at a total cost of \$21,100,000,  
23 with an estimated Federal cost of \$13,800,000 and an es-  
24 timated non-Federal cost of \$7,300,000.

25 (c) LOS ANGELES AND LONG BEACH HARBORS, SAN  
26 PEDRO BAY, CALIFORNIA.—The project for navigation,

1 Los Angeles and Long Beach Harbors, San Pedro Bay,  
2 California, authorized by section 201 of the Water Re-  
3 sources Development Act of 1986 (Public Law 99–662;  
4 100 Stat. 4091), is modified to provide that, for the pur-  
5 pose of section 101(a)(2) of the Act (33 U.S.C.  
6 2211(a)(2)), the sewer outfall relocated over a distance of  
7 4,458 feet by the Port of Los Angeles at a cost of approxi-  
8 mately \$12,000,000 shall be considered to be a relocation.

9 (d) OAKLAND HARBOR, CALIFORNIA.—The projects  
10 for navigation, Oakland Outer Harbor, California, and  
11 Oakland Inner Harbor, California, authorized by section  
12 202(a) of the Water Resources Development Act of 1986  
13 (Public Law 99–662; 100 Stat. 4092), are modified to  
14 combine the 2 projects into 1 project, to be designated  
15 as the Oakland Harbor, California, project. The Oakland  
16 Harbor, California, project shall be carried out by the Sec-  
17 retary substantially in accordance with the plans and sub-  
18 ject to the conditions recommended in the reports des-  
19 igned for the projects in the section, except that the non-  
20 Federal share of project cost and any available credits to-  
21 ward the non-Federal share shall be calculated on the  
22 basis of the total cost of the combined project. The total  
23 cost of the combined project is \$102,600,000, with an esti-  
24 mated Federal cost of \$64,120,000 and an estimated non-  
25 Federal cost of \$38,480,000.

1 (e) BROWARD COUNTY, FLORIDA.—

2 (1) IN GENERAL.—The Secretary shall provide  
3 periodic beach nourishment for the Broward County,  
4 Florida, Hillsborough Inlet to Port Everglades (Seg-  
5 ment II), shore protection project, authorized by sec-  
6 tion 301 of the River and Harbor Act of 1965 (Pub-  
7 lic Law 89–298; 79 Stat. 1090), through the year  
8 2020. The beach nourishment shall be carried out in  
9 accordance with the recommendations of the section  
10 934 study and reevaluation report for the project  
11 carried out under section 156 of the Water Re-  
12 sources Development Act of 1976 (42 U.S.C.  
13 1962d–5f) and approved by the Chief of Engineers  
14 by memorandum dated June 9, 1995.

15 (2) COSTS.—The total cost of the activities re-  
16 quired under this subsection shall not exceed  
17 \$15,457,000, of which the Federal share shall not  
18 exceed \$9,846,000.

19 (f) CANAVERAL HARBOR, FLORIDA.—The project for  
20 navigation, Canaveral Harbor, Florida, authorized by sec-  
21 tion 101(7) of the Water Resources Development Act of  
22 1992 (Public Law 102–580; 106 Stat. 4802), is modified  
23 to authorize the Secretary to reclassify the removal and  
24 replacement of stone protection on both sides of the chan-  
25 nel as general navigation features of the project subject

1 to cost sharing in accordance with section 101(a) of the  
2 Water Resources Development Act of 1986 (33 U.S.C.  
3 2211(a)). The Secretary may reimburse the non-Federal  
4 interests for such costs incurred by the non-Federal inter-  
5 ests in connection with the removal and replacement as  
6 the Secretary determines are in excess of the non-Federal  
7 share of the costs of the project required under the sec-  
8 tion.

9 (g) FORT PIERCE, FLORIDA.—The Secretary shall  
10 provide periodic beach nourishment for the Fort Pierce  
11 beach erosion control project, St. Lucie County, Florida,  
12 authorized by section 301 of the River and Harbor Act  
13 of 1965 (Public Law 89–298; 79 Stat. 1092), through the  
14 year 2020.

15 (h) TYBEE ISLAND, GEORGIA.—The Secretary shall  
16 provide periodic beach nourishment for a period of up to  
17 50 years for the project for beach erosion control, Tybee  
18 Island, Georgia, constructed under section 201 of the  
19 Flood Control Act of 1965 (42 U.S.C. 1962d–5).

20 (i) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—  
21 The project for flood control for the North Branch of the  
22 Chicago River, Illinois, authorized by section 401(a) of the  
23 Water Resources Development Act of 1986 (Public Law  
24 99–662; 100 Stat. 4115), is modified to authorize the Sec-  
25 retary to carry out the project substantially in accordance

1 with the post authorization change report for the project  
2 dated March 1994, at a total cost of \$34,228,000, with  
3 an estimated Federal cost of \$20,905,000 and an esti-  
4 mated non-Federal cost of \$13,323,000.

5 (j) HALSTEAD, KANSAS.—The project for flood con-  
6 trol, Halstead, Kansas, authorized by section 401(a) of the  
7 Water Resources Development Act of 1986 (Public Law  
8 99–662; 100 Stat. 4116), is modified to authorize the Sec-  
9 retary to construct the project substantially in accordance  
10 with the post authorization change report for the project  
11 dated March 1993, at a total cost of \$11,100,000, with  
12 an estimated Federal cost of \$8,325,000 and an estimated  
13 non-Federal cost of \$2,775,000.

14 (k) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The  
15 project for navigation, Mississippi River Outlets, Venice,  
16 Louisiana, authorized by section 101 of the River and  
17 Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731),  
18 is modified to provide for the extension of the 16-foot deep  
19 (mean low gulf) by 250-foot wide Baptiste Collette Bayou  
20 entrance channel to approximately mile 8 of the Mis-  
21 sissippi River Gulf Outlet navigation channel at a total  
22 estimated Federal cost of \$80,000, including \$4,000 for  
23 surveys and \$76,000 for Coast Guard aids to navigation.

24 (l) COMITE RIVER, LOUISIANA.—If a favorable final  
25 report of the Chief of Engineers is issued not later than

1 December 31, 1996, the Comite River diversion project  
2 for flood control authorized as part of the project for flood  
3 control, Amite River and Tributaries, Louisiana, by sec-  
4 tion 101(11) of the Water Resources Development Act of  
5 1992 (Public Law 102–580; 106 Stat. 4802), is modified  
6 to authorize the Secretary to construct the project at a  
7 total cost of \$121,600,000, with an estimated Federal cost  
8 of \$70,577,000 and an estimated non-Federal cost of  
9 \$51,023,000.

10 (m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO  
11 BATON ROUGE, LOUISIANA.—The project for navigation,  
12 Mississippi River Ship Channel, Gulf to Baton Rouge,  
13 Louisiana, authorized by the matter under the heading  
14 “CORPS OF ENGINEERS—CIVIL” under the heading “DE-  
15 PARTMENT OF DEFENSE—CIVIL” in chapter IV of  
16 title I of the Supplemental Appropriations Act, 1985 (99  
17 Stat. 313), is modified to require the Secretary, as part  
18 of the operations and maintenance segment of the project,  
19 to assume responsibility for periodic maintenance dredging  
20 of the Chalmette Slip to a depth of minus 33 feet mean  
21 low gulf, if the Secretary determines that the project modi-  
22 fication is economically justified, environmentally accept-  
23 able, and consistent with other Federal policies.

24 (n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO  
25 SHREVEPORT, LOUISIANA.—The project for navigation,

1 Red River Waterway, Mississippi River to Shreveport,  
2 Louisiana, authorized by section 101 of the River and  
3 Harbor Act of 1968 (Public Law 90-483; 82 Stat. 731),  
4 is modified to require the Secretary to dredge and perform  
5 other related work as required to reestablish and maintain  
6 access to, and the environmental value of, the bendway  
7 channels designated for preservation in project docu-  
8 mentation prepared before the date of enactment of this  
9 Act. The work shall be carried out in accordance with the  
10 local cooperation requirements for other navigation fea-  
11 tures of the project.

12 (o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If  
13 a favorable post authorization change report is issued not  
14 later than December 31, 1996, the project for hurricane  
15 damage prevention and flood control, Westwego to Harvey  
16 Canal, Louisiana, authorized by section 401(b) of the  
17 Water Resources Development Act of 1986 (Public Law  
18 99-662; 100 Stat. 4128), is modified to include the Lake  
19 Cataouatche area levee as part of the project at a total  
20 cost of \$14,375,000, with an estimated Federal cost of  
21 \$9,344,000 and an estimated non-Federal cost of  
22 \$5,031,000.

23 (p) TOLCHESTER CHANNEL, MARYLAND.—The  
24 project for navigation, Baltimore Harbor and Channels,  
25 Maryland, authorized by section 101 of the River and

1 Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297),  
2 is modified to direct the Secretary—

3 (1) to expedite review of potential straightening  
4 of the channel at the Tolchester Channel S-Turn;  
5 and

6 (2) if before December 31, 1996, it is deter-  
7 mined to be feasible and necessary for safe and effi-  
8 cient navigation, to implement the straightening as  
9 part of project maintenance.

10 (q) STILLWATER, MINNESOTA.—Not later than 1  
11 year after the date of enactment of this Act, the Secretary  
12 shall prepare a design memorandum for the project au-  
13 thorized by section 363 of the Water Resources Develop-  
14 ment Act of 1992 (Public Law 102–580; 106 Stat. 4861).  
15 The design memorandum shall include an evaluation of  
16 the Federal interest in construction of that part of the  
17 project that includes the secondary flood wall, but shall  
18 not include an evaluation of the reconstruction and exten-  
19 sion of the levee system for which construction is sched-  
20 uled to commence in 1996. If the Secretary determines  
21 that there is such a Federal interest, the Secretary shall  
22 construct the secondary flood wall, or the most feasible  
23 alternative, at a total project cost of not to exceed  
24 \$11,600,000. The Federal share of the cost shall be 75  
25 percent.

1           (r) CAPE GIRARDEAU, MISSOURI.—The project for  
2 flood control, Cape Girardeau, Jackson Metropolitan Area,  
3 Missouri, authorized by section 401(a) of the Water Re-  
4 sources Development Act of 1986 (Public Law 99–662;  
5 100 Stat. 4118–4119), is modified to authorize the Sec-  
6 retary to carry out the project, including the implementa-  
7 tion of nonstructural measures, at a total cost of  
8 \$44,700,000, with an estimated Federal cost of  
9 \$32,600,000 and an estimated non-Federal cost of  
10 \$12,100,000.

11           (s) FLAMINGO AND TROPICANA WASHES, NEVADA.—  
12 The project for flood control, Las Vegas Wash and Tribu-  
13 taries (Flamingo and Tropicana Washes), Nevada, author-  
14 ized by section 101(13) of the Water Resources Develop-  
15 ment Act of 1992 (Public Law 102–580; 106 Stat. 4803),  
16 is modified to provide that the Secretary shall reimburse  
17 the non-Federal sponsors (or other appropriate non-Fed-  
18 eral interests) for the Federal share of any costs that the  
19 non-Federal sponsors (or other appropriate non-Federal  
20 interests) incur in carrying out the project consistent with  
21 the project cooperation agreement entered into with re-  
22 spect to the project.

23           (t) NEWARK, NEW JERSEY.—The project for flood  
24 control, Passaic River Main Stem, New Jersey and New  
25 York, authorized by paragraph (18) of section 101(a) of

1 the Water Resources Development Act of 1990 (Public  
2 Law 101–640; 104 Stat. 4607) (as amended by section  
3 102(p) of the Water Resources Development Act of 1992  
4 (Public Law 102–580; 106 Stat. 4807)), is modified to  
5 separate the project element described in subparagraph  
6 (B) of the paragraph. The project element shall be consid-  
7 ered to be a separate project and shall be carried out in  
8 accordance with the subparagraph.

9 (u) ACEQUILAS IRRIGATION SYSTEM, NEW MEXICO.—  
10 The second sentence of section 1113(b) of the Water Re-  
11 sources Development Act of 1986 (Public Law 99–662;  
12 100 Stat. 4232) is amended by inserting before the period  
13 at the end the following: “, except that the Federal share  
14 of scoping and reconnaissance work carried out by the  
15 Secretary under this section shall be 100 percent”.

16 (v) WILMINGTON HARBOR-NORTHEAST CAPE FEAR  
17 RIVER, NORTH CAROLINA.—The project for navigation,  
18 Wilmington Harbor-Northeast Cape Fear River, North  
19 Carolina, authorized by section 202(a) of the Water Re-  
20 sources Development Act of 1986 (Public Law 99–662;  
21 100 Stat. 4095), is modified to authorize the Secretary  
22 to construct the project substantially in accordance with  
23 the general design memorandum for the project dated  
24 April 1990 and the general design memorandum supple-  
25 ment for the project dated February 1994, at a total cost

1 of \$50,921,000, with an estimated Federal cost of  
2 \$25,128,000 and an estimated non-Federal cost of  
3 \$25,793,000.

4 (w) BROKEN BOW LAKE, RED RIVER BASIN, OKLA-  
5 HOMA.—The project for flood control and water supply,  
6 Broken Bow Lake, Red River Basin, Oklahoma, author-  
7 ized by section 203 of the Flood Control Act of 1958  
8 (Public Law 85–500; 72 Stat. 309) and modified by sec-  
9 tion 203 of the Flood Control Act of 1962 (Public Law  
10 87–874; 76 Stat. 1187) and section 102(v) of the Water  
11 Resources Development Act of 1992 (Public Law 102–  
12 580; 106 Stat. 4808), is further modified to provide for  
13 the reallocation of a sufficient quantity of water supply  
14 storage space in Broken Bow Lake to support the Moun-  
15 tain Fork trout fishery. Releases of water from Broken  
16 Bow Lake for the Mountain Fork trout fishery as mitiga-  
17 tion for the loss of fish and wildlife resources in the Moun-  
18 tain Fork River shall be carried out at no expense to the  
19 State of Oklahoma.

20 (x) COLUMBIA RIVER DREDGING, OREGON AND  
21 WASHINGTON.—The project for navigation, Lower Wil-  
22 lamette and Columbia Rivers below Vancouver, Washing-  
23 ton and Portland, Oregon, authorized by the first section  
24 of the Act entitled “An Act making appropriations for the  
25 construction, repair, preservation, and completion of cer-

tain public works on rivers and harbors, and for other purposes”, approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed \$2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of \$181,000,000.

(z) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post au-

1 thORIZATION change and general reevaluation report for the  
2 project, dated April 1994, at a total cost of \$12,780,000,  
3 with an estimated Federal cost of \$9,585,000 and an esti-  
4 mated non-Federal cost of \$3,195,000.

5 (aa) WYOMING VALLEY, PENNSYLVANIA.—The  
6 project for flood control, Wyoming Valley, Pennsylvania,  
7 authorized by section 401(a) of the Water Resources De-  
8 velopment Act of 1986 (Public Law 99–662; 100 Stat.  
9 4124), is modified to authorize the Secretary—

10 (1) to include as part of the construction of the  
11 project mechanical and electrical upgrades to  
12 stormwater pumping stations in the Wyoming Val-  
13 ley; and

14 (2) to carry out mitigation measures that the  
15 Secretary is otherwise authorized to carry out but  
16 that the general design memorandum for phase II of  
17 the project, as approved by the Assistant Secretary  
18 of the Army having responsibility for civil works on  
19 February 15, 1996, provides will be carried out for  
20 credit by the non-Federal interest with respect to  
21 the project.

22 (bb) ALLENDALE DAM, NORTH PROVIDENCE,  
23 RHODE ISLAND.—The project for reconstruction of the  
24 Allendale Dam, North Providence, Rhode Island, author-  
25 ized by section 358 of the Water Resources Development

1 Act of 1992 (Public Law 102–580; 106 Stat. 4861), is  
2 modified to authorize the Secretary to reconstruct the  
3 dam, at a total cost of \$350,000, with an estimated Fed-  
4 eral cost of \$262,500 and an estimated non-Federal cost  
5 of \$87,500.

6 (cc) INDIA POINT RAILROAD BRIDGE, SEEKONK  
7 RIVER, PROVIDENCE, RHODE ISLAND.—The first sen-  
8 tence of section 1166(c) of the Water Resources Develop-  
9 ment Act of 1986 (Public Law 99–662; 100 Stat. 4258)  
10 is amended—

11 (1) by striking “\$500,000” and inserting  
12 “\$1,300,000”; and

13 (2) by striking “\$250,000” each place it ap-  
14 pears and inserting “\$650,000”.

15 (dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
16 CHRISTI, TEXAS.—The project for navigation, Corpus  
17 Christi Ship Channel, Corpus Christi, Texas, authorized  
18 by the first section of the Act entitled “An Act authorizing  
19 the construction, repair, and preservation of certain public  
20 works on rivers and harbors, and for other purposes”, ap-  
21 proved September 22, 1922 (42 Stat. 1039), is modified  
22 to include the Rincon Canal system as a part of the Fed-  
23 eral project that shall be maintained at a depth of 12 feet,  
24 if the Secretary determines that the project modification

1 is economically justified, environmentally acceptable, and  
2 consistent with other Federal policies.

3 (ee) DALLAS FLOODWAY EXTENSION, DALLAS,  
4 TEXAS.—The flood protection works constructed by the  
5 non-Federal interest along the Trinity River in Dallas,  
6 Texas, for Rochester Park and the Central Wastewater  
7 Treatment Plant shall be included as a part of the plan  
8 implemented for the Dallas Floodway Extension compo-  
9 nent of the Trinity River, Texas, project authorized by  
10 section 301 of the River and Harbor Act of 1965 (Public  
11 Law 89–298; 79 Stat. 1091). The cost of the works shall  
12 be credited toward the non-Federal share of project costs  
13 without regard to further economic analysis of the works.

14 (ff) MATAGORDA SHIP CHANNEL, PORT LAVACA,  
15 TEXAS.—The project for navigation, Matagorda Ship  
16 Channel, Port Lavaca, Texas, authorized by section 101  
17 of the River and Harbor Act of 1958 (Public Law 85–  
18 500; 72 Stat. 298), is modified to require the Secretary  
19 to assume responsibility for the maintenance of the Point  
20 Comfort Turning Basin Expansion Area to a depth of 36  
21 feet, as constructed by the non-Federal interests. The  
22 modification described in the preceding sentence shall be  
23 considered to be in the public interest and to be economi-  
24 cally justified.

1 (gg) UPPER JORDAN RIVER, UTAH.—The project for  
2 flood control, Upper Jordan River, Utah, authorized by  
3 section 101(a)(23) of the Water Resources Development  
4 Act of 1990 (Public Law 101–640; 104 Stat. 4610), is  
5 modified to authorize the Secretary to carry out the  
6 project substantially in accordance with the general design  
7 memorandum for the project dated March 1994, and the  
8 post authorization change report for the project dated  
9 April 1994, at a total cost of \$12,870,000, with an esti-  
10 mated Federal cost of \$8,580,000 and an estimated non-  
11 Federal cost of \$4,290,000.

12 (hh) GRUNDY, VIRGINIA.—The Secretary shall pro-  
13 ceed with planning, engineering, design, and construction  
14 of the Grundy, Virginia, element of the Levisa and Tug  
15 Forks of the Big Sandy River and Upper Cumberland  
16 River project, authorized by section 202 of the Energy and  
17 Water Development Appropriation Act, 1981 (Public Law  
18 96–367; 94 Stat. 1339), in accordance with Plan 3A as  
19 set forth in the preliminary draft detailed project report  
20 of the Huntington District Commander, dated August  
21 1993.

22 (ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

23 (1) IN GENERAL.—The Secretary shall con-  
24 struct the Haysi Dam feature of the project author-  
25 ized by section 202 of the Energy and Water Devel-

1       opment Appropriation Act, 1981 (Public Law 96–  
2       367; 94 Stat. 1339), substantially in accordance  
3       with Plan A as set forth in the preliminary draft  
4       general plan supplement report of the Huntington  
5       District Engineer for the Levisa Fork Basin, Vir-  
6       ginia and Kentucky, dated May 1995.

7               (2) RECREATIONAL COMPONENT.—The non-  
8       Federal interest shall be responsible for not more  
9       than 50 percent of the costs associated with the con-  
10      struction and implementation of the recreational  
11      component of the Haysi Dam feature.

12              (3) OPERATION AND MAINTENANCE.—

13                   (A) IN GENERAL.—Subject to subpara-  
14                   graph (B), operation and maintenance of the  
15                   Haysi Dam feature shall be carried out by the  
16                   Secretary.

17                   (B) PAYMENT OF COSTS.—The non-Fed-  
18                   eral interest shall be responsible for 100 per-  
19                   cent of all costs associated with the operation  
20                   and maintenance.

21              (4) ABILITY TO PAY.—Notwithstanding any  
22      other provision of law, the Secretary shall apply sec-  
23      tion 103(m) of the Water Resources Development  
24      Act of 1986 (33 U.S.C. 2213(m)) to the construc-  
25      tion of the Haysi Dam feature in the same manner

1 as section 103(m) of the Act is applied to other  
2 projects or project features constructed under sec-  
3 tion 202 of the Energy and Water Development Ap-  
4 propriation Act, 1981 (Public Law 96–367; 94 Stat.  
5 1339).

6 (jj) PETERSBURG, WEST VIRGINIA.—The project for  
7 flood control, Petersburg, West Virginia, authorized by  
8 section 101(a)(26) of the Water Resources Development  
9 Act of 1990 (Public Law 101–640; 104 Stat. 4611), is  
10 modified to authorize the Secretary to construct the  
11 project at a total cost of not to exceed \$26,600,000, with  
12 an estimated Federal cost of \$19,195,000 and an esti-  
13 mated non-Federal cost of \$7,405,000.

14 (kk) TETON COUNTY, WYOMING.—Section 840 of the  
15 Water Resources Development Act of 1986 (Public Law  
16 99–662; 100 Stat. 4176) is amended—

17 (1) by striking “Secretary: *Provided, That*” and  
18 inserting the following: “Secretary. In carrying out  
19 this section, the Secretary may enter into agree-  
20 ments with the non-Federal sponsors permitting the  
21 non-Federal sponsors to provide operation and main-  
22 tenance for the project on a cost-reimbursable basis.  
23 The”;

24 (2) by inserting “, through providing in-kind  
25 services or” after “\$35,000”; and

1 (3) by inserting a comma after “materials”.

2 **SEC. 103. PROJECT DEAUTHORIZATIONS.**

3 (a) BRANFORD HARBOR, CONNECTICUT.—

4 (1) IN GENERAL.—The 2,267 square foot por-  
5 tion of the project for navigation in the Branford  
6 River, Branford Harbor, Connecticut, authorized by  
7 the Act entitled “An Act making appropriations for  
8 the construction, repair, and preservation of certain  
9 public works on rivers and harbors, and for other  
10 purposes”, approved June 13, 1902 (32 Stat. 333),  
11 lying shoreward of a line described in paragraph (2),  
12 is deauthorized.

13 (2) DESCRIPTION OF LINE.—The line referred  
14 to in paragraph (1) is described as follows: begin-  
15 ning at a point on the authorized Federal navigation  
16 channel line the coordinates of which are  
17 N156,181.32, E581,572.38, running thence south  
18 70 degrees, 11 minutes, 8 seconds west a distance  
19 of 171.58 feet to another point on the authorized  
20 Federal navigation channel line the coordinates of  
21 which are N156,123.16, E581,410.96.

22 (b) BRIDGEPORT HARBOR, CONNECTICUT.—

23 (1) ANCHORAGE AREA.—The portion of the  
24 project for navigation, Bridgeport Harbor, Connecti-  
25 cut, authorized by section 101 of the River and Har-

1       bor Act of 1958 (Public Law 85–500; 72 Stat. 297),  
2       consisting of a 2-acre anchorage area with a depth  
3       of 6 feet at the head of Johnsons River between the  
4       Federal channel and Hollisters Dam, is deauthor-  
5       ized.

6               (2) JOHNSONS RIVER CHANNEL.—The portion  
7       of the project for navigation, Johnsons River Chan-  
8       nel, Bridgeport Harbor, Connecticut, authorized by  
9       the first section of the Act entitled “An Act author-  
10      izing the construction, repair, and preservation of  
11      certain public works on rivers and harbors, and for  
12      other purposes”, approved July 24, 1946 (60 Stat.  
13      634), that is northerly of a line across the Federal  
14      channel the coordinates of which are north  
15      123318.35, east 486301.68, and north 123257.15,  
16      east 486380.77, is deauthorized.

17             (c) GUILFORD HARBOR, CONNECTICUT.—

18               (1) IN GENERAL.—The portion of the project  
19      for navigation, Guilford Harbor, Connecticut, au-  
20      thorized by the Act entitled “An Act authorizing the  
21      construction, repair, and preservation of certain pub-  
22      lic works on rivers and harbors, and for other pur-  
23      poses”, approved March 2, 1945 (59 Stat. 13), that  
24      consists of the 6-foot deep channel in Sluice Creek  
25      and that is not included in the description of the re-

1 aligned channel set forth in paragraph (2) is de-  
2 authorized.

3 (2) DESCRIPTION OF REALIGNED CHANNEL.—

4 The realigned channel referred to in paragraph (1)  
5 is described as follows: starting at a point where the  
6 Sluice Creek Channel intersects with the main en-  
7 trance channel, N159194.63, E623201.07, thence  
8 running north 24 degrees, 58 minutes, 15.2 seconds  
9 west 478.40 feet to a point N159628.31,  
10 E622999.11, thence running north 20 degrees, 18  
11 minutes, 31.7 seconds west 351.53 feet to a point  
12 N159957.99, E622877.10, thence running north 69  
13 degrees, 41 minutes, 37.9 seconds east 55.00 feet to  
14 a point N159977.08, E622928.69, thence turning  
15 and running south 20 degrees, 18 minutes, 31.0 sec-  
16 onds east 349.35 feet to a point N159649.45,  
17 E623049.94, thence turning and running south 24  
18 degrees, 58 minutes, 11.1 seconds east 341.36 feet  
19 to a point N159340.00, E623194.04, thence turning  
20 and running south 90 degrees, 0 minutes, 0 seconds  
21 east 78.86 feet to a point N159340.00, E623272.90.

22 (d) NORWALK HARBOR, CONNECTICUT.—

23 (1) IN GENERAL.—The following portions of  
24 projects for navigation, Norwalk Harbor, Connecti-  
25 cut, are deauthorized:

1 (A) The portion authorized by the Act en-  
2 titled “An Act making appropriations for the  
3 construction, repair, and preservation of certain  
4 public works on rivers and harbors, and for  
5 other purposes”, approved March 2, 1919 (40  
6 Stat. 1276), that lies northerly of a line across  
7 the Federal channel having coordinates  
8 N104199.72, E417774.12 and N104155.59,  
9 E417628.96.

10 (B) The portions of the 6-foot deep East  
11 Norwalk Channel and Anchorage, authorized by  
12 the Act entitled “An Act authorizing the con-  
13 struction, repair, and preservation of certain  
14 public works on rivers and harbors, and for  
15 other purposes”, approved March 2, 1945 (59  
16 Stat. 13), that are not included in the descrip-  
17 tion of the realigned channel and anchorage set  
18 forth in paragraph (2).

19 (2) DESCRIPTION OF REALIGNED CHANNEL  
20 AND ANCHORAGE.—The realigned 6-foot deep East  
21 Norwalk Channel and Anchorage referred to in  
22 paragraph (1)(B) is described as follows: starting at  
23 a point on the East Norwalk Channel, N95743.02,  
24 E419581.37, thence running northwesterly about  
25 463.96 feet to a point N96197.93, E419490.18,

1       thence running northwesterly about 549.32 feet to a  
2       point N96608.49, E419125.23, thence running  
3       northwesterly about 384.06 feet to a point  
4       N96965.94, E418984.75, thence running northwest-  
5       erly about 407.26 feet to a point N97353.87,  
6       E418860.78, thence running westerly about 58.26  
7       feet to a point N97336.26, E418805.24, thence run-  
8       ning northwesterly about 70.99 feet to a point  
9       N97390.30, E418759.21, thence running westerly  
10      about 71.78 feet to a point on the anchorage limit  
11      N97405.26, E418689.01, thence running southerly  
12      along the western limits of the Federal anchorage in  
13      existence on the date of enactment of this Act until  
14      reaching a point N95893.74, E419449.17, thence  
15      running in a southwesterly direction about 78.74  
16      feet to a point on the East Norwalk Channel  
17      N95815.62, E419439.33.

18           (3) DESIGNATION OF REALIGNED CHANNEL  
19      AND ANCHORAGE.—All of the realigned channel shall  
20      be redesignated as an anchorage, with the exception  
21      of the portion of the channel that narrows to a width  
22      of 100 feet and terminates at a line the coordinates  
23      of which are N96456.81, E419260.06 and  
24      N96390.37, E419185.32, which shall remain as a  
25      channel.

1 (e) SOUTHPORT HARBOR, CONNECTICUT.—

2 (1) IN GENERAL.—The following portions of the  
3 project for navigation, Southport Harbor, Connecti-  
4 cut, authorized by the first section of the Act enti-  
5 tled “An Act authorizing the construction, repair,  
6 and preservation of certain public works on rivers  
7 and harbors, and for other purposes”, approved Au-  
8 gust 30, 1935 (49 Stat. 1029), are deauthorized:

9 (A) The 6-foot deep anchorage located at  
10 the head of the project.

11 (B) The portion of the 9-foot deep channel  
12 beginning at a bend in the channel the coordi-  
13 nates of which are north 109131.16, east  
14 452653.32, running thence in a northeasterly  
15 direction about 943.01 feet to a point the co-  
16 ordinates of which are north 109635.22, east  
17 453450.31, running thence in a southeasterly  
18 direction about 22.66 feet to a point the coordi-  
19 nates of which are north 109617.15, east  
20 453463.98, running thence in a southwesterly  
21 direction about 945.18 feet to the point of be-  
22 ginning.

23 (2) REMAINDER.—The portion of the project  
24 referred to in paragraph (1) that is remaining after  
25 the deauthorization made by the paragraph and that

1 is northerly of a line the coordinates of which are  
2 north 108699.15, east 452768.36, and north  
3 108655.66, east 452858.73, is redesignated as an  
4 anchorage.

5 (f) STONY CREEK, CONNECTICUT.—The following  
6 portion of the project for navigation, Stony Creek, Con-  
7 necticut, authorized under section 107 of the River and  
8 Harbor Act of 1960 (33 U.S.C. 577), located in the 6-  
9 foot deep maneuvering basin, is deauthorized: beginning  
10 at coordinates N157,031.91, E599,030.79, thence run-  
11 ning northeasterly about 221.16 feet to coordinates  
12 N157,191.06, E599,184.37, thence running northerly  
13 about 162.60 feet to coordinates N157,353.56,  
14 E599,189.99, thence running southwesterly about 358.90  
15 feet to the point of beginning.

16 (g) THAMES RIVER, CONNECTICUT.—

17 (1) MODIFICATION.—The project for naviga-  
18 tion, Thames River, Connecticut, authorized by the  
19 first section of the Act entitled “An Act authorizing  
20 the construction, repair, and preservation of certain  
21 public works on rivers and harbors, and for other  
22 purposes”, approved August 30, 1935 (49 Stat.  
23 1029), is modified to reconfigure the turning basin  
24 in accordance with the following alignment: begin-  
25 ning at a point on the eastern limit of the existing

1 project, N251052.93, E783934.59, thence running  
2 north 5 degrees, 25 minutes, 21.3 seconds east  
3 341.06 feet to a point, N251392.46, E783966.82,  
4 thence running north 47 degrees, 24 minutes, 14.0  
5 seconds west 268.72 feet to a point, N251574.34,  
6 E783769.00, thence running north 88 degrees, 41  
7 minutes, 52.2 seconds west 249.06 feet to a point,  
8 N251580.00, E783520.00, thence running south 46  
9 degrees, 16 minutes, 22.9 seconds west 318.28 feet  
10 to a point, N251360.00, E783290.00, thence run-  
11 ning south 19 degrees, 1 minute, 32.2 seconds east  
12 306.76 feet to a point, N251070.00, E783390.00,  
13 thence running south 45 degrees, 0 minutes, 0 sec-  
14 onds, east 155.56 feet to a point, N250960.00,  
15 E783500.00 on the existing western limit.

16 (2) PAYMENT FOR INITIAL DREDGING.—Any  
17 required initial dredging of the widened portions  
18 identified in paragraph (1) shall be carried out at no  
19 cost to the Federal Government.

20 (3) DEAUTHORIZATION.—The portions of the  
21 turning basin that are not included in the reconfig-  
22 ured turning basin described in paragraph (1) are  
23 deauthorized.

24 (h) EAST BOOTHBAY HARBOR, MAINE.—The follow-  
25 ing portion of the navigation project for East Boothbay

1 Harbor, Maine, authorized by the first section of the Act  
2 of June 25, 1910 (36 Stat. 631, chapter 382) (commonly  
3 referred to as the “River and Harbor Act of 1910”), con-  
4 taining approximately 1.15 acres and described in accord-  
5 ance with the Maine State Coordinate System, West Zone,  
6 is deauthorized:

7           Beginning at a point noted as point number 6  
8           and shown as having plan coordinates of North 9,  
9           722, East 9, 909 on the plan entitled, “East  
10          Boothbay Harbor, Maine, examination, 8-foot area”,  
11          and dated August 9, 1955, Drawing Number F1251  
12          D-6-2, said point having Maine State Coordinate  
13          System, West Zone coordinates of Northing 74514,  
14          Easting 698381; and

15           Thence, North 58 degrees, 12 minutes, 30 sec-  
16          onds East a distance of 120.9 feet to a point; and

17           Thence, South 72 degrees, 21 minutes, 50 sec-  
18          onds East a distance of 106.2 feet to a point; and

19           Thence, South 32 degrees, 04 minutes, 55 sec-  
20          onds East a distance of 218.9 feet to a point; and

21           Thence, South 61 degrees, 29 minutes, 40 sec-  
22          onds West a distance of 148.9 feet to a point; and

23           Thence, North 35 degrees, 14 minutes, 12 sec-  
24          onds West a distance of 87.5 feet to a point; and

1           Thence, North 78 degrees, 30 minutes, 58 sec-  
2           onds West a distance of 68.4 feet to a point; and

3           Thence, North 27 degrees, 11 minutes, 39 sec-  
4           onds West a distance of 157.3 feet to the point of  
5           beginning.

6           (i) YORK HARBOR, MAINE.—The following portions  
7           of the project for navigation, York Harbor, Maine, author-  
8           ized by section 101 of the River and Harbor Act of 1960  
9           (Public Law 86–645; 74 Stat. 480), are deauthorized:

10           (1) The portion located in the 8-foot deep an-  
11           chorage area beginning at coordinates N109340.19,  
12           E372066.93, thence running north 65 degrees, 12  
13           minutes, 10.5 seconds east 423.27 feet to a point  
14           N109517.71, E372451.17, thence running north 28  
15           degrees, 42 minutes, 58.3 seconds west 11.68 feet to  
16           a point N109527.95, E372445.56, thence running  
17           south 63 degrees, 37 minutes, 24.6 seconds west  
18           422.63 feet to the point of beginning.

19           (2) The portion located in the 8-foot deep an-  
20           chorage area beginning at coordinates N108557.24,  
21           E371645.88, thence running south 60 degrees, 41  
22           minutes, 17.2 seconds east 484.51 feet to a point  
23           N108320.04, E372068.36, thence running north 29  
24           degrees, 12 minutes, 53.3 seconds east 15.28 feet to  
25           a point N108333.38, E372075.82, thence running

1 north 62 degrees, 29 minutes, 42.1 seconds west  
2 484.73 feet to the point of beginning.

3 (j) COHASSET HARBOR, MASSACHUSETTS.—The fol-  
4 lowing portions of the project for navigation, Cohasset  
5 Harbor, Massachusetts, authorized by section 2 of the Act  
6 entitled “An Act authorizing the construction, repair, and  
7 preservation of certain public works on rivers and harbors,  
8 and for other purposes”, approved March 2, 1945 (59  
9 Stat. 12), or carried out pursuant to section 107 of the  
10 River and Harbor Act of 1960 (33 U.S.C. 577), are de-  
11 authorized: a 7-foot deep anchorage and a 6-foot deep an-  
12 chorage; beginning at site 1, beginning at a point  
13 N453510.15, E792664.63, thence running south 53 de-  
14 grees 07 minutes 05.4 seconds west 307.00 feet to a point  
15 N453325.90, E792419.07, thence running north 57 de-  
16 grees 56 minutes 36.8 seconds west 201.00 feet to a point  
17 N453432.58, E792248.72, thence running south 88 de-  
18 grees 57 minutes 25.6 seconds west 50.00 feet to a point  
19 N453431.67, E792198.73, thence running north 01 de-  
20 gree 02 minutes 52.3 seconds west 66.71 feet to a point  
21 N453498.37, E792197.51, thence running north 69 de-  
22 grees 12 minutes 52.3 seconds east 332.32 feet to a point  
23 N453616.30, E792508.20, thence running south 55 de-  
24 grees 50 minutes 24.1 seconds east 189.05 feet to point  
25 of origin; then site 2, beginning at a point, N452886.64,

1 E791287.83, thence running south 00 degrees 00 minutes  
2 00.0 seconds west 56.04 feet to a point, N452830.60,  
3 E791287.83, thence running north 90 degrees 00 minutes  
4 00.0 seconds west 101.92 feet to a point, N452830.60,  
5 E791185.91, thence running north 52 degrees 12 minutes  
6 49.7 seconds east 89.42 feet to a point, N452885.39,  
7 E791256.58, thence running north 87 degrees 42 minutes  
8 33.8 seconds east 31.28 feet to point of origin; and site  
9 3, beginning at a point, N452261.08, E792040.24, thence  
10 running north 89 degrees 07 minutes 19.5 seconds east  
11 118.78 feet to a point, N452262.90, E792159.01, thence  
12 running south 43 degrees 39 minutes 06.8 seconds west  
13 40.27 feet to a point, N452233.76, E792131.21, thence  
14 running north 74 degrees 33 minutes 29.1 seconds west  
15 94.42 feet to a point, N452258.90, E792040.20, thence  
16 running north 01 degree 03 minutes 04.3 seconds east  
17 2.18 feet to point of origin.

18 (k) FALL RIVER HARBOR, MASSACHUSETTS AND  
19 RHODE ISLAND.—The project for navigation, Fall River  
20 Harbor, Massachusetts and Rhode Island, authorized by  
21 section 101 of the River and Harbor Act of 1968 (Public  
22 Law 90–483; 82 Stat. 731), is modified to provide that  
23 alteration of the drawspan of the Brightman Street Bridge  
24 to provide a channel width of 300 feet shall not be re-  
25 quired after the date of enactment of this Act.

1 (l) COCHECO RIVER, NEW HAMPSHIRE.—

2 (1) IN GENERAL.—The portion of the project  
3 for navigation, Cochecho River, New Hampshire, au-  
4 thorized by the first section of the Act entitled “An  
5 Act making appropriations for the construction, re-  
6 pair, and preservation of certain public works on riv-  
7 ers and harbors, and for other purposes”, approved  
8 September 19, 1890 (26 Stat. 436), and consisting  
9 of a 7-foot deep channel that lies northerly of a line  
10 the coordinates of which are N255292.31,  
11 E713095.36, and N255334.51, E713138.01, is de-  
12 authorized.

13 (2) MAINTENANCE DREDGING.—Not later than  
14 18 months after the date of enactment of this Act,  
15 the Secretary shall perform maintenance dredging  
16 for the remaining authorized portions of the Federal  
17 navigation channel under the project described in  
18 paragraph (1) to restore authorized channel dimen-  
19 sions.

20 (m) MORRISTOWN HARBOR, NEW YORK.—The por-  
21 tion of the project for navigation, Morristown Harbor,  
22 New York, authorized by the first section of the Act enti-  
23 tled “An Act authorizing the construction, repair, and  
24 preservation of certain public works on rivers and harbors,  
25 and for other purposes”, approved January 21, 1927 (44

1 Stat. 1014), that lies north of the northern boundary of  
2 Morris Street extended is deauthorized.

3 (n) OSWEGATCHIE RIVER, OGDENSBURG, NEW  
4 YORK.—The portion of the Federal channel in the  
5 Oswegatchie River in Ogdensburg, New York, from the  
6 southernmost alignment of the Route 68 bridge, upstream  
7 to the northernmost alignment of the Lake Street bridge,  
8 is deauthorized.

9 (o) APPONAUG COVE, RHODE ISLAND.—The follow-  
10 ing portion of the project for navigation, Apponaug Cove,  
11 Rhode Island, authorized by section 101 of the River and  
12 Harbor Act of 1960 (Public Law 86-645; 74 Stat. 480),  
13 consisting of the 6-foot deep channel, is deauthorized: be-  
14 ginning at a point, N223269.93, E513089.12, thence run-  
15 ning northwesterly to a point N223348.31, E512799.54,  
16 thence running southwestly to a point N223251.78,  
17 E512773.41, thence running southeasterly to a point  
18 N223178.00, E513046.00, thence running northeasterly  
19 to the point of beginning.

20 (p) KICKAPOO RIVER, WISCONSIN.—

21 (1) PROJECT MODIFICATION.—The project for  
22 flood control and allied purposes, Kickapoo River,  
23 Wisconsin, authorized by section 203 of the Flood  
24 Control Act of 1962 (Public Law 87-874; 76 Stat.  
25 1190), as modified by section 814 of the Water Re-

1 sources Development Act of 1986 (Public Law 99–  
2 662; 100 Stat. 4169), is further modified as pro-  
3 vided by this subsection.

4 (2) TRANSFERS OF PROPERTY.—

5 (A) TRANSFER TO STATE OF WISCON-  
6 SIN.—Subject to the requirements of this para-  
7 graph, the Secretary shall transfer to the State  
8 of Wisconsin, without consideration, all right,  
9 title, and interest of the United States in and  
10 to the lands described in subparagraph (E), in-  
11 cluding all works, structures, and other im-  
12 provements to the lands, but excluding lands  
13 transferred under subparagraph (B).

14 (B) TRANSFER TO SECRETARY OF THE IN-  
15 TERIOR.—Subject to the requirements of this  
16 paragraph, on the date of the transfer under  
17 subparagraph (A), the Secretary shall transfer  
18 to the Secretary of the Interior, without consid-  
19 eration, all right, title, and interest of the Unit-  
20 ed States in and to lands that are culturally  
21 and religiously significant sites of the Ho-  
22 Chunk Nation (a federally recognized Indian  
23 tribe) and are located within the lands de-  
24 scribed in subparagraph (E). The lands shall be  
25 described in accordance with subparagraph

1 (C)(ii)(I) and may not exceed a total of 1,200  
2 acres.

3 (C) TERMS AND CONDITIONS.—

4 (i) IN GENERAL.—The Secretary shall  
5 make the transfers under subparagraphs  
6 (A) and (B) only if—

7 (I) the State of Wisconsin enters  
8 into a written agreement with the Sec-  
9 retary to hold the United States  
10 harmless from all claims arising from  
11 or through the operation of lands and  
12 improvements subject to the transfer  
13 under subparagraph (A); and

14 (II) on or before October 30,  
15 1997, the State of Wisconsin enters  
16 into and submits to the Secretary a  
17 memorandum of understanding, as  
18 specified in clause (ii), with the tribal  
19 organization (as defined in section 4  
20 of the Indian Self-Determination and  
21 Education Assistance Act (25 U.S.C.  
22 450b) of the Ho-Chunk Nation.

23 (ii) MEMORANDUM OF UNDERSTAND-  
24 ING.—The memorandum of understanding

1 referred to in clause (i)(II) shall contain,  
2 at a minimum, the following:

3 (I) A description of sites and as-  
4 sociated lands to be transferred to the  
5 Secretary of the Interior under sub-  
6 paragraph (B).

7 (II) An agreement specifying that  
8 the lands transferred under subpara-  
9 graphs (A) and (B) shall be preserved  
10 in a natural state and developed only  
11 to the extent necessary to enhance  
12 outdoor recreational and educational  
13 opportunities.

14 (III) An agreement specifying the  
15 terms and conditions of a plan for the  
16 management of the lands to be trans-  
17 ferred under subparagraphs (A) and  
18 (B).

19 (IV) A provision requiring a re-  
20 view of the plan referred to in sub-  
21 clause (III) to be conducted every 10  
22 years under which the State of Wis-  
23 consin, acting through the Kickapoo  
24 Valley Governing Board, and the Ho-  
25 Chunk Nation may agree to revisions

1 of the plan in order to address  
2 changed circumstances on the lands  
3 transferred under subparagraphs (A)  
4 and (B). The provision may include a  
5 plan for the transfer to the Secretary  
6 of the Interior of any additional site  
7 discovered to be culturally and reli-  
8 giously significant to the Ho-Chunk  
9 Nation.

10 (V) An agreement preventing or  
11 limiting the public disclosure of the lo-  
12 cation or existence of each site of par-  
13 ticular cultural or religious signifi-  
14 cance to the Ho-Chunk Nation, if  
15 public disclosure would jeopardize the  
16 cultural or religious integrity of the  
17 site.

18 (D) ADMINISTRATION OF LANDS.—The  
19 lands transferred to the Secretary of the Inte-  
20 rior under subparagraph (B), and any lands  
21 transferred to the Secretary of the Interior  
22 under the memorandum of understanding en-  
23 tered into under subparagraph (C), or under  
24 any revision of the memorandum of understand-  
25 ing agreed to under subparagraph (C)(ii)(IV),

1 shall be held in trust by the United States for,  
2 and added to and administered as part of the  
3 reservation of, the Ho-Chunk Nation.

4 (E) LAND DESCRIPTION.—The lands re-  
5 ferred to in subparagraphs (A) and (B) are the  
6 approximately 8,569 acres of land associated  
7 with the LaFarge Dam and Lake portion of the  
8 project referred to in paragraph (1) in Vernon  
9 County, Wisconsin, in the following sections:

10 (i) Section 31, Township 14 North,  
11 Range 1 West of the 4th Principal Merid-  
12 ian.

13 (ii) Sections 2 through 11, and 16,  
14 17, 20, and 21, Township 13 North,  
15 Range 2 West of the 4th Principal Merid-  
16 ian.

17 (iii) Sections 15, 16, 21 through 24,  
18 26, 27, 31, and 33 through 36, Township  
19 14 North, Range 2 West of the 4th Prin-  
20 cipal Meridian.

21 (3) TRANSFER OF FLOWAGE EASEMENTS.—The  
22 Secretary shall transfer to the owner of the servient  
23 estate, without consideration, all right, title, and in-  
24 terest of the United States in and to each flowage  
25 easement acquired as part of the project referred to

1 in paragraph (1) within Township 14 North, Range  
2 2 West of the 4th Principal Meridian, Vernon Coun-  
3 ty, Wisconsin.

4 (4) DEAUTHORIZATION.—The LaFarge Dam  
5 and Lake portion of the project referred to in para-  
6 graph (1) is not authorized after the date of the  
7 transfers under paragraph (2).

8 (5) INTERIM MANAGEMENT AND MAINTEN-  
9 NANCE.—The Secretary shall continue to manage  
10 and maintain the LaFarge Dam and Lake portion  
11 of the project referred to in paragraph (1) until the  
12 date of the transfers under paragraph (2).

13 **SEC. 104. STUDIES.**

14 (a) RED RIVER, ARKANSAS.—The Secretary shall—

15 (1) conduct a study to determine the feasibility  
16 of carrying out a project to permit navigation on the  
17 Red River in southwest Arkansas; and

18 (2) in conducting the study, analyze regional  
19 economic benefits that were not included in the lim-  
20 ited economic analysis contained in the reconnais-  
21 sance report for the project dated November 1995.

22 (b) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY,  
23 CALIFORNIA.—The Secretary shall conduct a review of the  
24 Bear Creek Drainage, San Joaquin County, California,  
25 flood control project, authorized by section 10 of the Act

1 entitled “An Act authorizing the construction of certain  
2 public works on rivers and harbors for flood control, and  
3 for other purposes”, approved December 22, 1944 (58  
4 Stat. 901), to develop a comprehensive plan for additional  
5 flood damage reduction measures for the city of Stockton,  
6 California, and surrounding areas.

7 (c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFOR-  
8 NIA.—Not later than 18 months after the date of enact-  
9 ment of this Act, the Secretary shall—

10 (1) conduct a study of the advisability of modi-  
11 fying, for the purpose of flood control pursuant to  
12 section 205 of the Flood Control Act of 1948 (33  
13 U.S.C. 701s), the Lake Elsinore, Riverside County,  
14 California, flood control project, for water conserva-  
15 tion storage up to an elevation of 1,249 feet above  
16 mean sea level; and

17 (2) report to Congress on the study, including  
18 making recommendations concerning the advisability  
19 of so modifying the project.

20 (d) LONG BEACH, CALIFORNIA.—The Secretary shall  
21 review the feasibility of navigation improvements at Long  
22 Beach Harbor, California, including widening and deepen-  
23 ing of the navigation channel, as provided for in section  
24 201(b) of the Water Resources Development Act of 1986  
25 (Public Law 99–662; 100 Stat. 4091). The Secretary shall

1 complete the report not later than 1 year after the date  
2 of enactment of this Act.

3 (e) MORMON SLOUGH/CALAVERAS RIVER, CALIFOR-  
4 NIA.—The Secretary shall conduct a review of the Mormon  
5 Slough/Calaveras River, California, flood control project,  
6 authorized by section 10 of the Act entitled “An Act au-  
7 thorizing the construction of certain public works on rivers  
8 and harbors for flood control, and for other purposes”,  
9 approved December 22, 1944 (58 Stat. 902), to develop  
10 a comprehensive plan for additional flood damage reduc-  
11 tion measures for the city of Stockton, California, and sur-  
12 rounding areas.

13 (f) MURRIETA CREEK, RIVERSIDE COUNTY, CALI-  
14 FORNIA.—The Secretary shall review the completed fea-  
15 sibility study of the Riverside County Flood Control and  
16 Water Conservation District, including identified alter-  
17 natives, concerning Murrieta Creek from Temecula to  
18 Wildomar, Riverside County, California, to determine the  
19 Federal interest in participating in a project for flood con-  
20 trol.

21 (g) PINE FLAT DAM FISH AND WILDLIFE HABITAT  
22 RESTORATION, CALIFORNIA.—The Secretary shall study  
23 the feasibility of fish and wildlife habitat improvement  
24 measures identified for further study by the Pine Flat

1 Dam Fish and Wildlife Habitat Restoration Investigation  
2 Reconnaissance Report.

3 (h) WEST DADE, FLORIDA.—The Secretary shall  
4 conduct a reconnaissance study to determine the Federal  
5 interest in using the West Dade, Florida, reuse facility  
6 to increase the supply of surface water to the Everglades  
7 in order to enhance fish and wildlife habitat.

8 (i) SAVANNAH RIVER BASIN COMPREHENSIVE  
9 WATER RESOURCES STUDY.—

10 (1) IN GENERAL.—The Secretary shall conduct  
11 a comprehensive study to address the current and  
12 future needs for flood damage prevention and reduc-  
13 tion, water supply, and other related water resources  
14 needs in the Savannah River Basin.

15 (2) SCOPE.—The scope of the study shall be  
16 limited to an analysis of water resources issues that  
17 fall within the traditional civil works missions of the  
18 Army Corps of Engineers.

19 (3) COORDINATION.—Notwithstanding para-  
20 graph (2), the Secretary shall ensure that the study  
21 is coordinated with the Environmental Protection  
22 Agency and the ongoing watershed study by the  
23 Agency of the Savannah River Basin.

24 (j) BAYOU BLANC, CROWLEY, LOUISIANA.—The Sec-  
25 retary shall conduct a reconnaissance study to determine

1 the Federal interest in the construction of a bulkhead sys-  
2 tem, consisting of either steel sheet piling with tiebacks  
3 or concrete, along the embankment of Bayou Blanc, Crow-  
4 ley, Louisiana, in order to alleviate slope failures and ero-  
5 sion problems in a cost-effective manner.

6 (k) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK,  
7 LOUISIANA.—The Secretary shall incorporate the area of  
8 Hackberry, Louisiana, as part of the overall study of the  
9 Lake Charles ship channel, bypass channel, and general  
10 anchorage area in Louisiana, to explore the possibility of  
11 constructing additional anchorage areas.

12 (l) CITY OF NORTH LAS VEGAS, CLARK COUNTY,  
13 NEVADA.—The Secretary shall conduct a reconnaissance  
14 study to determine the Federal interest in channel im-  
15 provements in channel A of the North Las Vegas Wash  
16 in the city of North Las Vegas, Nevada, for the purpose  
17 of flood control.

18 (m) LOWER LAS VEGAS WASH WETLANDS, CLARK  
19 COUNTY, NEVADA.—The Secretary shall conduct a study  
20 to determine the feasibility of the restoration of wetlands  
21 in the Lower Las Vegas Wash, Nevada, for the purposes  
22 of erosion control and environmental restoration.

23 (n) NORTHERN NEVADA.—The Secretary shall con-  
24 duct reconnaissance studies, in the State of Nevada, of—

1           (1) the Humboldt River, and the tributaries  
2           and outlets of the river;

3           (2) the Truckee River, and the tributaries and  
4           outlets of the river;

5           (3) the Carson River, and the tributaries and  
6           outlets of the river; and

7           (4) the Walker River, and the tributaries and  
8           outlets of the river;

9 in order to determine the Federal interest in flood control,  
10 environmental restoration, conservation of fish and wild-  
11 life, recreation, water conservation, water quality, and  
12 toxic and radioactive waste.

13         (o) BUFFALO HARBOR, NEW YORK.—The Secretary  
14 shall determine the feasibility of excavating the inner har-  
15 bor and constructing the associated bulkheads in Buffalo  
16 Harbor, New York.

17         (p) COEYMANS, NEW YORK.—The Secretary shall  
18 conduct a reconnaissance study to determine the Federal  
19 interest in reopening the secondary channel of the Hudson  
20 River in the town of Coeymans, New York, which has been  
21 narrowed by silt as a result of the construction of  
22 Coeymans middle dike by the Army Corps of Engineers.

23         (q) SHINNECOCK INLET, NEW YORK.—Not later  
24 than 2 years after the date of enactment of this Act, the  
25 Secretary shall conduct a reconnaissance study in

1 Shinnecock Inlet, New York, to determine the Federal in-  
2 terest in constructing a sand bypass system, or other ap-  
3 propriate alternative, for the purposes of allowing sand to  
4 flow in the natural east-to-west pattern of the sand and  
5 preventing the further erosion of the beaches west of the  
6 inlet and the shoaling of the inlet.

7 (r) KILL VAN KULL AND NEWARK BAY CHANNELS,  
8 NEW YORK AND NEW JERSEY.—The Secretary shall con-  
9 tinue engineering and design in order to complete the  
10 navigation project at Kill Van Kull and Newark Bay  
11 Channels, New York and New Jersey, authorized to be  
12 constructed in the Supplemental Appropriations Act, 1985  
13 (Public Law 99–88; 99 Stat. 313), and section 202(a) of  
14 the Water Resources Development Act of 1986 (Public  
15 Law 99–662; 100 Stat. 4095), described in the general  
16 design memorandum for the project, and approved in the  
17 Report of the Chief of Engineers dated December 14,  
18 1981.

19 (s) COLUMBIA SLOUGH, OREGON.—Not later than 2  
20 years after the date of enactment of this Act, the Sec-  
21 retary shall complete a feasibility study for the ecosystem  
22 restoration project at Columbia Slough, Oregon, as re-  
23 ported in the August 1993 Revised Reconnaissance Study.  
24 The study shall be a demonstration study done in coordi-  
25 nation with the Environmental Protection Agency.

1           (t) WILLAMETTE RIVER, OREGON.—The Secretary  
2 shall conduct a study to determine the Federal interest  
3 in carrying out a nonstructural flood control project along  
4 the Willamette River, Oregon, for the purposes of flood-  
5 plain and ecosystem restoration.

6           (u) LACKAWANNA RIVER AT SCRANTON, PENN-  
7 SYLVANIA.—Not later than 90 days after the date of en-  
8 actment of this Act, the Secretary shall—

9           (1) review the report entitled “Report of the  
10 Chief of Engineers: Lackawanna River at Scranton,  
11 Pennsylvania”, dated June 29, 1992, to determine  
12 whether changed conditions in the Diamond Plot  
13 and Green Ridge sections, Scranton, Pennsylvania,  
14 would result in an economically justified flood dam-  
15 age reduction project at those locations; and

16           (2) submit to Congress a report on the results  
17 of the review.

18           (v) CHARLESTON, SOUTH CAROLINA.—The Secretary  
19 shall conduct a study of the Charleston, South Carolina,  
20 estuary area located in Charleston, Berkeley, and Dor-  
21 chester Counties, South Carolina, for the purpose of evalu-  
22 ating environmental conditions in the tidal reaches of the  
23 Ashley, Cooper, Stono, and Wando Rivers and the lower  
24 portions of Charleston Harbor.

1 (w) OAHE DAM TO LAKE SHARPE, SOUTH DA-  
2 KOTA.—Not later than 2 years after the date of enactment  
3 of this Act, the Secretary shall—

4 (1) conduct a study to determine the feasibility  
5 of sediment removal and control in the area of the  
6 Missouri River downstream of Oahe Dam through  
7 the upper reaches of Lake Sharpe, including the  
8 lower portion of the Bad River, South Dakota;

9 (2) develop a comprehensive sediment removal  
10 and control plan for the area—

11 (A) based on the assessment by the study  
12 of the dredging, estimated costs, and time re-  
13 quired to remove sediment from affected areas  
14 in Lake Sharpe;

15 (B)(i) based on the identification by the  
16 study of high erosion areas in the Bad River  
17 channel; and

18 (ii) including recommendations and related  
19 costs for such of the areas as are in need of  
20 stabilization and restoration; and

21 (C)(i) based on the identification by the  
22 study of shoreline erosion areas along Lake  
23 Sharpe; and

24 (ii) including recommended options for the  
25 stabilization and restoration of the areas;

1           (3) use other non-Federal engineering analyses  
2           and related studies in determining the feasibility of  
3           sediment removal and control as described in para-  
4           graph (1); and

5           (4) credit the costs of the non-Federal engineer-  
6           ing analyses and studies referred to in paragraphs  
7           (2) and (3) toward the non-Federal share of the fea-  
8           sibility study conducted under paragraph (1).

9           (x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—  
10          The Secretary shall conduct a study of navigation along  
11          the south-central coast of Texas near Corpus Christi for  
12          the purpose of determining the feasibility of constructing  
13          and maintaining the Packery Channel on the southern  
14          portion of Mustang Island.

15          (y) ASHLEY CREEK, UTAH.—The Secretary is au-  
16          thorized to study the feasibility of undertaking a project  
17          for fish and wildlife restoration at Ashley Creek, near Ver-  
18          nal, Utah.

19          (z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Sec-  
20          retary shall conduct a study of flooding, erosion, and other  
21          water resource problems in Prince William County, Vir-  
22          ginia, including an assessment of the wetland protection,  
23          erosion control, and flood damage reduction needs of the  
24          county.

1           (aa) PACIFIC REGION.—The Secretary shall conduct  
2 studies in the interest of navigation in the part of the Pa-  
3 cific Region that includes American Samoa, Guam, and  
4 the Commonwealth of the Northern Mariana Islands. For  
5 the purpose of this subsection, the cost-sharing require-  
6 ments of section 105 of the Water Resources Development  
7 Act of 1986 (33 U.S.C. 2215) shall apply.

8           (bb) MORGANZA, LOUISIANA TO THE GULF OF MEX-  
9 ICO.—

10           (1) STUDY.—The Secretary shall conduct a  
11 study of the environmental, flood control and naviga-  
12 tional impacts associated with the construction of a  
13 lock structure in the Houma Navigation Canal as an  
14 independent feature of the overall flood damage pre-  
15 vention study currently being conducted under the  
16 Morganza, Louisiana to the Gulf of Mexico feasibil-  
17 ity study. In preparing such study, the Secretary  
18 shall consult the South Terrebonne Tidewater Man-  
19 agement and Conservation District and consider the  
20 District's Preliminary Design Document, dated Feb-  
21 ruary 1994. Further, the Secretary shall evaluate  
22 the findings of the Coastal Wetlands Planning, Pro-  
23 tection and Restoration Federal Task Force, as au-  
24 thorized by Public Law 101–646, relating to the lock  
25 structure.

1           (2) REPORT.—The Secretary shall transmit to  
2 Congress a report on the results of the study con-  
3 ducted under paragraph (1), together with rec-  
4 ommendations on immediate implementation not  
5 later than 6 months after the enactment of this Act.

6           **TITLE II—PROJECT-RELATED**  
7                                   **PROVISIONS**

8   **SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO**  
9                                   **BASIN, ARKANSAS.**

10          The project for flood control and water supply, Grand  
11 Prairie Region and Bayou Meto Basin, Arkansas, author-  
12 ized by section 204 of the Flood Control Act of 1950 (64  
13 Stat. 174) and deauthorized under section 1001(b)(1) of  
14 the Water Resources Development Act of 1986 (33 U.S.C.  
15 579a(b)(1)), is authorized to be carried out by the Sec-  
16 retary if, not later than 1 year after the date of enactment  
17 of this Act, the Secretary submits a report to Congress  
18 that—

19           (1) describes necessary modifications to the  
20 project that are consistent with the functions of the  
21 Army Corps of Engineers; and

22           (2) contains recommendations concerning which  
23 Federal agencies (such as the Natural Resources  
24 Conservation Service, the United States Fish and  
25 Wildlife Service, the Bureau of Reclamation, and the

1 United States Geological Survey) are most appro-  
2 priate to have responsibility for carrying out the  
3 project.

4 **SEC. 202. HEBER SPRINGS, ARKANSAS.**

5 (a) IN GENERAL.—The Secretary shall enter into an  
6 agreement with the city of Heber Springs, Arkansas, to  
7 provide 3,522 acre-feet of water supply storage in Greers  
8 Ferry Lake, Arkansas, for municipal and industrial pur-  
9 poses, at no cost to the city.

10 (b) NECESSARY FACILITIES.—The city of Heber  
11 Springs shall be responsible for 100 percent of the costs  
12 of construction, operation, and maintenance of any intake,  
13 transmission, treatment, or distribution facility necessary  
14 for utilization of the water supply.

15 (c) ADDITIONAL WATER SUPPLY STORAGE.—Any  
16 additional water supply storage required after the date of  
17 enactment of this Act shall be contracted for and reim-  
18 bursed by the city of Heber Springs, Arkansas.

19 **SEC. 203. MORGAN POINT, ARKANSAS.**

20 The Secretary shall accept as in-kind contributions  
21 for the project at Morgan Point, Arkansas—

22 (1) the items described as fish and wildlife fa-  
23 cilities and land in the Morgan Point Broadway Clo-  
24 sure Structure modification report for the project,  
25 dated February 1994; and

1           (2) fish stocking activities carried out by the  
2           non-Federal interests for the project.

3 **SEC. 204. WHITE RIVER BASIN LAKES, ARKANSAS AND MIS-**  
4 **SOURI.**

5           The project for flood control and power generation  
6 at White River Basin Lakes, Arkansas and Missouri, au-  
7 thorized by section 4 of the Act entitled “An Act authoriz-  
8 ing the construction of certain public works on rivers and  
9 harbors for flood control, and for other purposes”, ap-  
10 proved June 28, 1938 (52 Stat. 1218), shall include recre-  
11 ation and fish and wildlife mitigation as purposes of the  
12 project, to the extent that the purposes do not adversely  
13 impact flood control, power generation, or other author-  
14 ized purposes of the project.

15 **SEC. 205. CENTRAL AND SOUTHERN FLORIDA.**

16           The project for Central and Southern Florida, au-  
17 thorized by section 203 of the Flood Control Act of 1968  
18 (Public Law 90–483; 82 Stat. 740), is modified, subject  
19 to the availability of appropriations, to authorize the Sec-  
20 retary to implement the recommended plan of improve-  
21 ment contained in a report entitled “Central and Southern  
22 Florida Project, Final Integrated General Reevaluation  
23 Report and Environmental Impact Statement, Canal 111  
24 (C–111), South Dade County, Florida”, dated May 1994  
25 (including acquisition of such portions of the Frog Pond

1 and Rocky Glades areas as are needed for the project),  
2 at a total cost of \$156,000,000. The Federal share of the  
3 cost of implementing the plan of improvement shall be 50  
4 percent. The Secretary of the Interior shall pay 25 percent  
5 of the cost of acquiring such portions of the Frog Pond  
6 and Rocky Glades areas as are needed for the project,  
7 which amount shall be included in the Federal share. The  
8 non-Federal share of the operation and maintenance costs  
9 of the improvements undertaken pursuant to this section  
10 shall be 100 percent, except that the Federal Government  
11 shall reimburse the non-Federal interest in an amount  
12 equal to 60 percent of the costs of operating and maintain-  
13 ing pump stations that pump water into Taylor Slough  
14 in Everglades National Park.

15 **SEC. 206. WEST PALM BEACH, FLORIDA.**

16       The project for flood protection of West Palm Beach,  
17 Florida (C-51), authorized by section 203 of the Flood  
18 Control Act of 1962 (Public Law 87-874; 76 Stat. 1183),  
19 is modified to provide for the construction of an enlarged  
20 stormwater detention area, Storm Water Treatment Area  
21 1 East, generally in accordance with the plan of improve-  
22 ments described in the February 15, 1994, report entitled  
23 “Everglades Protection Project, Palm Beach County,  
24 Florida, Conceptual Design”, prepared by Burns and  
25 McDonnell, and as further described in detailed design

1 documents to be approved by the Secretary. The addi-  
2 tional work authorized by this section shall be accom-  
3 plished at full Federal cost in recognition of the water sup-  
4 ply benefits accruing to the Loxahatchee National Wildlife  
5 Refuge and the Everglades National Park and in recogni-  
6 tion of the statement in support of the Everglades restora-  
7 tion effort set forth in the document signed by the Sec-  
8 retary of the Interior and the Secretary in July 1993. Op-  
9 eration and maintenance of the stormwater detention area  
10 shall be consistent with regulations prescribed by the Sec-  
11 retary for the Central and Southern Florida project, with  
12 all costs of the operation and maintenance work borne by  
13 non-Federal interests.

14 **SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM**  
15 **RESTORATION.**

16 (a) DEFINITIONS.—In this section:

17 (1) DEVELOP.—The term “develop” means any  
18 preconstruction or land acquisition planning activity.

19 (2) SOUTH FLORIDA ECOSYSTEM.—The term  
20 “South Florida ecosystem” means the Florida Ever-  
21 glades restoration area that includes lands and wa-  
22 ters within the boundary of the South Florida Water  
23 Management District, the Florida Keys, and the  
24 near-shore coastal waters of South Florida.

1           (3) TASK FORCE.—The term “Task Force”  
2 means the South Florida Ecosystem Restoration  
3 Task Force established by subsection (c).

4           (b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

5                 (1) MODIFICATIONS TO CENTRAL AND SOUTH-  
6 ERN FLORIDA PROJECT.—

7                     (A) DEVELOPMENT.—The Secretary shall,  
8 if necessary, develop modifications to the  
9 project for Central and Southern Florida, au-  
10 thorized by section 203 of the Flood Control  
11 Act of 1948 (62 Stat. 1176), to restore, pre-  
12 serve, and protect the South Florida ecosystem  
13 and to provide for the water-related needs of  
14 the region.

15                     (B) CONCEPTUAL PLAN.—

16                         (i) IN GENERAL.—The modifications  
17 under subparagraph (A) shall be set forth  
18 in a conceptual plan prepared in accord-  
19 ance with clause (ii) and adopted by the  
20 Task Force (referred to in this section as  
21 the “conceptual plan”).

22                         (ii) BASIS FOR CONCEPTUAL PLAN.—  
23 The conceptual plan shall be based on the  
24 recommendations specified in the draft re-  
25 port entitled “Conceptual Plan for the

1 Central and Southern Florida Project Re-  
2 study'', published by the Governor's Com-  
3 mission for a Sustainable South Florida  
4 and dated June 4, 1996.

5 (C) INTEGRATION OF OTHER ACTIVI-  
6 TIES.—Restoration, preservation, and protec-  
7 tion of the South Florida ecosystem shall in-  
8 clude a comprehensive science-based approach  
9 that integrates ongoing Federal and State ef-  
10 forts, including—

11 (i) the project for the ecosystem res-  
12 toration of the Kissimmee River, Florida,  
13 authorized by section 101 of the Water Re-  
14 sources Development Act of 1992 (Public  
15 Law 102–580; 106 Stat. 4802);

16 (ii) the project for flood protection,  
17 West Palm Beach Canal, Florida (canal  
18 C–51), authorized by section 203 of the  
19 Flood Control Act of 1962 (Public Law  
20 87–874; 76 Stat. 1183), as modified by  
21 section 205 of this Act;

22 (iii) the project for modifications to  
23 improve water deliveries into Everglades  
24 National Park authorized by section 104 of  
25 the Everglades National Park Protection

1 and Expansion Act of 1989 (16 U.S.C.  
2 410r-8);

3 (iv) the project for Central and South-  
4 ern Florida authorized by section 203 of  
5 the Flood Control Act of 1968 (Public Law  
6 90-483; 82 Stat. 740), as modified by sec-  
7 tion 204 of this Act;

8 (v) activities under the Florida Keys  
9 National Marine Sanctuary and Protection  
10 Act (Public Law 101-65; 16 U.S.C. 1433  
11 note); and

12 (vi) the Everglades construction  
13 project implemented by the State of Flor-  
14 ida under the Everglades Forever Act of  
15 the State of Florida.

16 (2) IMPROVEMENT OF WATER MANAGEMENT  
17 FOR ECOSYSTEM RESTORATION.—The improvement  
18 of water management, including improvement of  
19 water quality for ecosystem restoration, preservation,  
20 and protection, shall be an authorized purpose of the  
21 Central and Southern Florida project referred to in  
22 paragraph (1)(A). Project features necessary to im-  
23 prove water management, including features nec-  
24 essary to provide water to restore, protect, and pre-  
25 serve the South Florida ecosystem, shall be included

1 in any modifications to be developed for the project  
2 under paragraph (1).

3 (3) SUPPORT PROJECTS.—The Secretary may  
4 develop support projects and other facilities nec-  
5 essary to promote an adaptive management ap-  
6 proach to implement the modifications authorized to  
7 be developed by paragraphs (1) and (2).

8 (4) INTERIM IMPLEMENTATION REPORTS.—

9 (A) IN GENERAL.—Before the Secretary  
10 implements a component of the conceptual plan,  
11 including a support project or other facility  
12 under paragraph (3), the Jacksonville District  
13 Engineer shall submit an interim implementa-  
14 tion report to the Task Force for review.

15 (B) CONTENTS.—Each interim implemen-  
16 tation report shall document the costs, benefits,  
17 impacts, technical feasibility, and cost-effective-  
18 ness of the component and, as appropriate,  
19 shall include documentation of environmental  
20 effects prepared under the National Environ-  
21 mental Policy Act of 1969 (42 U.S.C. 4321 et  
22 seq.).

23 (C) ENDORSEMENT BY TASK FORCE.—

24 (i) IN GENERAL.—If the Task Force  
25 endorses the interim implementation report

1 of the Jacksonville District Engineer for a  
2 component, the Secretary shall submit the  
3 report to Congress.

4 (ii) COORDINATION REQUIREMENTS.—

5 Endorsement by the Task Force shall be  
6 deemed to fulfill the coordination require-  
7 ments under the first section of the Act  
8 entitled “An Act authorizing the construc-  
9 tion of certain public works on rivers and  
10 harbors for flood control, and for other  
11 purposes”, approved December 22, 1944  
12 (33 U.S.C. 701-1).

13 (5) AUTHORIZATION.—

14 (A) IN GENERAL.—The Secretary shall not  
15 initiate construction of a component until such  
16 time as a law is enacted authorizing construc-  
17 tion of the component.

18 (B) DESIGN.—The Secretary may continue  
19 to carry out detailed design of a component  
20 after the date of submission to Congress of the  
21 interim implementation report recommending  
22 the component.

23 (6) COST SHARING.—

24 (A) IN GENERAL.—Except as provided in  
25 subparagraph (B), the Federal share of the

1 costs of preparing interim implementation re-  
2 ports under paragraph (4) and implementing  
3 the modifications (including the support  
4 projects and other facilities) authorized to be  
5 developed by this subsection shall be 50 per-  
6 cent.

7 (B) WATER QUALITY FEATURES.—

8 (i) IN GENERAL.—Subject to clause  
9 (ii), the non-Federal share of the cost of  
10 project features necessary to improve water  
11 quality under paragraph (2) shall be 100  
12 percent.

13 (ii) CRITICAL FEATURES.—If the  
14 Task Force determines, by resolution ac-  
15 companying endorsement of an interim im-  
16 plementation report under paragraph (4),  
17 that the project features described in  
18 clause (i) are critical to ecosystem restora-  
19 tion, the Federal share of the cost of the  
20 features shall be 50 percent.

21 (C) REIMBURSEMENT.—The Secretary  
22 shall reimburse the non-Federal interests for  
23 the Federal share of any reasonable costs that  
24 the non-Federal interests incur in acquiring  
25 land for any component authorized by law

1 under paragraph (5) if the land acquisition has  
2 been endorsed by the Task Force and supported  
3 by the Secretary.

4 (c) SOUTH FLORIDA ECOSYSTEM RESTORATION  
5 TASK FORCE.—

6 (1) ESTABLISHMENT AND MEMBERSHIP.—

7 There is established the South Florida Ecosystem  
8 Restoration Task Force, which shall consist of the  
9 following members (or, in the case of the head of a  
10 Federal agency, a designee at the level of assistant  
11 secretary or an equivalent level):

12 (A) The Secretary of the Interior, who  
13 shall serve as chairperson of the Task Force.

14 (B) The Secretary of Commerce.

15 (C) The Secretary.

16 (D) The Attorney General.

17 (E) The Administrator of the Environ-  
18 mental Protection Agency.

19 (F) The Secretary of Agriculture.

20 (G) The Secretary of Transportation.

21 (H) 1 representative of the Miccosukee  
22 Tribe of Indians of Florida, to be appointed by  
23 the Secretary of the Interior from recommenda-  
24 tions submitted by the tribal chairman.

1 (I) 1 representative of the Seminole Tribe  
2 of Indians of Florida, to be appointed by the  
3 Secretary of the Interior from recommendations  
4 submitted by the tribal chairman.

5 (J) 3 representatives of the State of Flor-  
6 ida, to be appointed by the Secretary of the In-  
7 terior from recommendations submitted by the  
8 Governor of the State of Florida.

9 (K) 2 representatives of the South Florida  
10 Water Management District, to be appointed by  
11 the Secretary of the Interior from recommenda-  
12 tions submitted by the Governor of the State of  
13 Florida.

14 (L) 2 representatives of local governments  
15 in the South Florida ecosystem, to be appointed  
16 by the Secretary of the Interior from rec-  
17 ommendations submitted by the Governor of  
18 the State of Florida.

19 (2) DUTIES.—

20 (A) IN GENERAL.—The Task Force  
21 shall—

22 (i)(I) coordinate the development of  
23 consistent policies, strategies, plans, pro-  
24 grams, and priorities for addressing the

1 restoration, protection, and preservation of  
2 the South Florida ecosystem; and

3 (II) develop a strategy and priorities  
4 for implementing the components of the  
5 conceptual plan;

6 (ii) review programs, projects, and ac-  
7 tivities of agencies and entities represented  
8 on the Task Force to promote the objec-  
9 tives of ecosystem restoration and mainte-  
10 nance;

11 (iii) refine and provide guidance con-  
12 cerning the implementation of the concep-  
13 tual plan;

14 (iv)(I) periodically review the concep-  
15 tual plan in light of current conditions and  
16 new information and make appropriate  
17 modifications to the conceptual plan; and

18 (II) submit to Congress a report on  
19 each modification to the conceptual plan  
20 under subclause (I);

21 (v) establish a Florida-based working  
22 group, which shall include representatives  
23 of the agencies and entities represented on  
24 the Task Force and other entities as ap-  
25 propriate, for the purpose of recommend-

1 ing policies, strategies, plans, programs,  
2 and priorities to the Task Force;

3 (vi) prepare an annual cross-cut budg-  
4 et of the funds proposed to be expended by  
5 the agencies, tribes, and governments rep-  
6 resented on the Task Force on the restora-  
7 tion, preservation, and protection of the  
8 South Florida ecosystem; and

9 (vii) submit a biennial report to Con-  
10 gress that summarizes the activities of the  
11 Task Force and the projects, policies,  
12 strategies, plans, programs, and priorities  
13 planned, developed, or implemented for  
14 restoration of the South Florida ecosystem  
15 and progress made toward the restoration.

16 (B) AUTHORITY TO ESTABLISH ADVISORY  
17 SUBCOMMITTEES.—The Task Force and the  
18 working group established under subparagraph  
19 (A)(v) may establish such other advisory sub-  
20 committees as are necessary to assist the Task  
21 Force in carrying out its duties, including du-  
22 ties relating to public policy and scientific is-  
23 sues.

1           (3) DECISIONMAKING.—Each decision of the  
2 Task Force shall be made by majority vote of the  
3 members of the Task Force.

4           (4) APPLICATION OF THE FEDERAL ADVISORY  
5 COMMITTEE ACT.—

6           (A) CHARTER; TERMINATION.—The Task  
7 Force shall not be subject to sections 9(c) and  
8 14 of the Federal Advisory Committee Act (5  
9 U.S.C. App.).

10           (B) NOTICE OF MEETINGS.—The Task  
11 Force shall be subject to section 10(a)(2) of the  
12 Act, except that the chairperson of the Task  
13 Force is authorized to use a means other than  
14 publication in the Federal Register to provide  
15 notice of a public meeting and provide an equiv-  
16 alent form of public notice.

17           (5) COMPENSATION.—A member of the Task  
18 Force shall receive no compensation for the service  
19 of the member on the Task Force.

20           (6) TRAVEL EXPENSES.—Travel expenses in-  
21 curred by a member of the Task Force in the per-  
22 formance of services for the Task Force shall be  
23 paid by the agency, tribe, or government that the  
24 member represents.

1 **SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.**

2 Notwithstanding any other provision of law, for the  
3 purpose of commencing construction of the project for  
4 flood control, Arkansas City, Kansas, authorized by sec-  
5 tion 401(a) of the Water Resources Development Act of  
6 1986 (Public Law 99–662; 100 Stat. 4116), and the  
7 project for flood control, Winfield, Kansas, authorized by  
8 section 204 of the Flood Control Act of 1965 (Public Law  
9 89–298; 79 Stat. 1078), the project cooperation agree-  
10 ments for the projects, as submitted by the District Office  
11 of the Army Corps of Engineers, Tulsa, Oklahoma, shall  
12 be deemed to be approved by the Assistant Secretary of  
13 the Army having responsibility for civil works and the  
14 Tulsa District Commander as of September 30, 1996, if  
15 the approvals have not been granted by that date.

16 **SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.**

17 Section 844 of the Water Resources Development Act  
18 of 1986 (Public Law 99–662; 100 Stat. 4177) is amended  
19 by adding at the end the following:

20 “(c) COMMUNITY IMPACT MITIGATION PLAN.—Using  
21 funds made available under subsection (a), the Secretary  
22 shall implement a comprehensive community impact miti-  
23 gation plan, as described in the evaluation report of the  
24 New Orleans District Engineer dated August 1995, that,  
25 to the maximum extent practicable, provides for mitigation  
26 or compensation, or both, for the direct and indirect social

1 and cultural impacts that the project described in sub-  
 2 section (a) will have on the affected areas referred to in  
 3 subsection (b).”.

4 **SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.**

5 Not later than 90 days after the date of enactment  
 6 of this Act, the Secretary shall initiate all remaining work  
 7 associated with the Coldwater River Watershed Dem-  
 8 onstration Erosion Control Project, as authorized by Pub-  
 9 lic Law 98–8 (97 Stat. 13).

10 **SEC. 211. PERIODIC MAINTENANCE DREDGING FOR GREEN-**

11 **VILLE INNER HARBOR CHANNEL, MIS-**  
 12 **SISSIPPI.**

13 The Greenville Inner Harbor Channel, Mississippi, is  
 14 deemed to be a portion of the navigable waters of the  
 15 United States, and shall be included among the navigable  
 16 waters for which the Army Corps of Engineers maintains  
 17 a 10-foot navigable channel. The navigable channel for the  
 18 Greenville Inner Harbor Channel shall be maintained in  
 19 a manner that is consistent with the navigable channel to  
 20 the Greenville Harbor and the portion of the Mississippi  
 21 River adjacent to the Greenville Harbor that is maintained  
 22 by the Army Corps of Engineers, as in existence on the  
 23 date of enactment of this Act.

1 **SEC. 212. SARDIS LAKE, MISSISSIPPI.**

2 The Secretary shall work cooperatively with the State  
3 of Mississippi and the city of Sardis to the maximum ex-  
4 tent practicable in the management of existing and pro-  
5 posed leases of land consistent with the master tourism  
6 and recreational plan for the economic development of the  
7 Sardis Lake area prepared by the city.

8 **SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.**

9 The project for flood control at Grenada Lake, Mis-  
10 sissippi, shall be extended to include the Yalobusha River  
11 Watershed (including the Toposhaw Creek), at a total cost  
12 of not to exceed \$3,800,000. The Federal share of the cost  
13 of flood control on the extended project shall be 75 per-  
14 cent.

15 **SEC. 214. LIBBY DAM, MONTANA.**

16 (a) IN GENERAL.—In accordance with section  
17 103(c)(1) of the Water Resources Development Act of  
18 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

19 (1) complete the construction and installation of  
20 generating units 6 through 8 at Libby Dam, Mon-  
21 tana; and

22 (2) remove the partially constructed haul bridge  
23 over the Kootenai River, Montana.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this section  
26 \$16,000,000, to remain available until expended.

1 **SEC. 215. SMALL FLOOD CONTROL PROJECT, MALTA, MON-**  
2 **TANA.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Secretary is authorized to expend such  
5 Federal funds as are necessary to complete the small flood  
6 control project begun at Malta, Montana, pursuant to sec-  
7 tion 205 of the Flood Control Act of 1948 (33 U.S.C.  
8 701s).

9 **SEC. 216. CLIFFWOOD BEACH, NEW JERSEY.**

10 (a) **IN GENERAL.**—Notwithstanding any other provi-  
11 sion of law or the status of the project authorized by sec-  
12 tion 203 of the Flood Control Act of 1962 (Public Law  
13 87–874; 76 Stat. 1180) for hurricane-flood protection and  
14 beach erosion control on Raritan Bay and Sandy Hook  
15 Bay, New Jersey, the Secretary shall undertake a project  
16 to provide periodic beach nourishment for Cliffwood  
17 Beach, New Jersey, for a 50-year period beginning on the  
18 date of execution of a project cooperation agreement by  
19 the Secretary and an appropriate non-Federal interest.

20 (b) **NON-FEDERAL SHARE.**—The non-Federal share  
21 of the cost of the project authorized by this section shall  
22 be 35 percent.

23 **SEC. 217. FIRE ISLAND INLET, NEW YORK.**

24 For the purpose of replenishing the beach, the Sec-  
25 retary shall place sand dredged from the Fire Island Inlet  
26 on the shoreline between Gilgo State Park and Tobay

1 Beach to protect Ocean Parkway along the Atlantic Ocean  
2 shoreline in Suffolk County, New York.

3 **SEC. 218. QUEENS COUNTY, NEW YORK.**

4 (a) DESCRIPTION OF NONNAVIGABLE AREA.—Sub-  
5 ject to subsections (b) and (c), the area of Long Island  
6 City, Queens County, New York, that—

7 (1) is not submerged;

8 (2) lies between the southerly high water line  
9 (as of the date of enactment of this Act) of Anable  
10 Basin (also known as the “11th Street Basin”) and  
11 the northerly high water line (as of the date of en-  
12 actment of this Act) of Newtown Creek; and

13 (3) extends from the high water line (as of the  
14 date of enactment of this Act) of the East River to  
15 the original high water line of the East River;

16 is declared to be nonnavigable waters of the United States.

17 (b) REQUIREMENT THAT AREA BE IMPROVED.—

18 (1) IN GENERAL.—The declaration of non-  
19 navigability under subsection (a) shall apply only to  
20 those portions of the area described in subsection (a)  
21 that are, or will be, bulkheaded, filled, or otherwise  
22 occupied by permanent structures or other perma-  
23 nent physical improvements (including parkland).

1           (2) APPLICABILITY OF FEDERAL LAW.—Im-  
2           provements described in paragraph (1) shall be sub-  
3           ject to applicable Federal laws, including—

4                   (A) sections 9 and 10 of the Act entitled  
5           “An Act making appropriations for the con-  
6           struction, repair, and preservation of certain  
7           public works on rivers and harbors, and for  
8           other purposes”, approved March 3, 1899 (33  
9           U.S.C. 401 and 403);

10                   (B) section 404 of the Federal Water Pol-  
11           lution Control Act (33 U.S.C. 1344); and

12                   (C) the National Environmental Policy Act  
13           of 1969 (42 U.S.C. 4321 et seq.).

14           (c) EXPIRATION DATE.—The declaration of non-  
15           navigability under subsection (a) shall expire with respect  
16           to a portion of the area described in subsection (a), if the  
17           portion—

18                   (1) is not bulkheaded, filled, or otherwise occu-  
19           pied by a permanent structure or other permanent  
20           physical improvement (including parkland) in ac-  
21           cordance with subsection (b) by the date that is 20  
22           years after the date of enactment of this Act; or

23                   (2) requires an improvement described in sub-  
24           section (b)(2) that is subject to a permit under an  
25           applicable Federal law, and the improvement is not

1 commenced by the date that is 5 years after the date  
2 of issuance of the permit.

3 **SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH**  
4 **DAKOTA AND MONTANA.**

5 (a) ACQUISITION OF EASEMENTS.—

6 (1) IN GENERAL.—The Secretary shall acquire,  
7 from willing sellers, permanent flowage and satura-  
8 tion easements over—

9 (A) the land in Williams County, North  
10 Dakota, extending from the riverward margin  
11 of the Buford Trenton Irrigation District main  
12 canal to the north bank of the Missouri River,  
13 beginning at the Buford Trenton Irrigation  
14 District pumping station located in the NE<sup>1</sup>/<sub>4</sub> of  
15 section 17, T-152-N, R-104-W, and continu-  
16 ing northeasterly downstream to the land re-  
17 ferred to as the East Bottom; and

18 (B) any other land outside the boundaries  
19 of the land described in subparagraph (A) with-  
20 in or contiguous to the boundaries of the  
21 Buford-Trenton Irrigation District that has  
22 been affected by rising ground water and the  
23 risk of surface flooding.

24 (2) SCOPE.—The easements acquired by the  
25 Secretary under paragraph (1) shall include the

1 right, power, and privilege of the Federal Govern-  
2 ment to submerge, overflow, percolate, and saturate  
3 the surface and subsurface of the lands and such  
4 other terms and conditions as the Secretary consid-  
5 ers appropriate.

6 (3) PAYMENT.—In acquiring the easements  
7 under paragraph (1), the Secretary shall pay an  
8 amount based on the unaffected fee value of the  
9 lands to be acquired by the Federal Government.  
10 For the purpose of this paragraph, the unaffected  
11 fee value of the lands is the value of the lands as  
12 if the lands had not been affected by rising ground  
13 water and the risk of surface flooding.

14 (b) CONVEYANCE OF DRAINAGE PUMPS.—Notwith-  
15 standing any other law, the Secretary shall—

16 (1) convey to the Buford Trenton Irrigation  
17 District all right, title, and interest of the United  
18 States in the drainage pumps located within the  
19 boundaries of the District; and

20 (2) provide a lump-sum payment of \$60,000 for  
21 power requirements associated with the operation of  
22 the drainage pumps.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to carry out this section  
25 \$34,000,000, to remain available until expended.

1 **SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH**  
2 **DAKOTA.**

3 (a) REVISIONS TO WATER CONTROL MANUALS.—In  
4 consultation with the State of South Dakota and the  
5 James River Water Development District, the Secretary  
6 shall review and consider revisions to the water control  
7 manuals for the Jamestown Dam and Pipestem Dam,  
8 North Dakota, to modify operation of the dams so as to  
9 reduce the magnitude and duration of flooding and inun-  
10 dation of land located within the 10-year floodplain along  
11 the James River in South Dakota.

12 (b) FEASIBILITY STUDY.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall—

16 (A) complete a study to determine the fea-  
17 sibility of providing flood protection for the land  
18 referred to in subsection (a); and

19 (B) submit a report on the study to Con-  
20 gress.

21 (2) CONSIDERATIONS.—In carrying out para-  
22 graph (1), the Secretary shall consider all reasonable  
23 project-related and other options.

1 **SEC. 221. WISTER LAKE PROJECT, LEFLORE COUNTY,**  
2 **OKLAHOMA.**

3 The Secretary shall maintain a minimum conserva-  
4 tion pool level of 478 feet at the Wister Lake project in  
5 LeFlore County, Oklahoma, authorized by section 4 of the  
6 Act entitled “An Act authorizing the construction of cer-  
7 tain public works on rivers and harbors for flood control,  
8 and for other purposes”, approved June 28, 1938 (52  
9 Stat. 1218). Notwithstanding title I of the Water Re-  
10 sources Development Act of 1986 (33 U.S.C. 2211 et seq.)  
11 or any other provision of law, any increase in water supply  
12 yield that results from the pool level of 478 feet shall be  
13 treated as unallocated water supply until such time as a  
14 user enters into a contract for the supply under such ap-  
15 plicable laws concerning cost-sharing as are in effect on  
16 the date of the contract.

17 **SEC. 222. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OR-**  
18 **EGON.**

19 The Secretary is authorized to carry out a project to  
20 control the water temperature in the Willamette River,  
21 McKenzie Subbasin, Oregon, to mitigate the negative im-  
22 pacts on fish and wildlife resulting from the operation of  
23 the Blue River and Cougar Lake projects, McKenzie River  
24 Basin, Oregon. The cost of the facilities shall be repaid  
25 according to the allocations among the purposes of the  
26 original projects.

1 **SEC. 223. ABANDONED AND WRECKED BARGE REMOVAL,**  
2 **RHODE ISLAND.**

3 Section 361 of the Water Resources Development Act  
4 of 1992 (Public Law 102–580; 106 Stat. 4861) is amend-  
5 ed by striking subsection (a) and inserting the following:

6 “(a) IN GENERAL.—In order to alleviate a hazard to  
7 navigation and recreational activity, the Secretary shall re-  
8 move a sunken barge from waters off the shore of the Nar-  
9 ragansett Town Beach in Narragansett, Rhode Island, at  
10 a total cost of \$1,900,000, with an estimated Federal cost  
11 of \$1,425,000, and an estimated non-Federal cost of  
12 \$475,000. The Secretary shall not remove the barge until  
13 title to the barge has been transferred to the United  
14 States or the non-Federal interest. The transfer of title  
15 shall be carried out at no cost to the United States.”.

16 **SEC. 224. PROVIDENCE RIVER AND HARBOR, RHODE IS-**  
17 **LAND.**

18 The Secretary shall incorporate a channel extending  
19 from the vicinity of the Fox Point hurricane barrier to  
20 the vicinity of the Francis Street bridge in Providence,  
21 Rhode Island, into the navigation project for Providence  
22 River and Harbor, Rhode Island, authorized by section  
23 301 of the River and Harbor Act of 1965 (Public Law  
24 89–298; 79 Stat. 1089). The channel shall have a depth  
25 of up to 10 feet and a width of approximately 120 feet  
26 and shall be approximately 1.25 miles in length.

1 **SEC. 225. COOPER LAKE AND CHANNELS, TEXAS.**

2 (a) ACCEPTANCE OF LANDS.—The Secretary is au-  
3 thorized to accept from a non-Federal interest additional  
4 lands of not to exceed 300 acres that—

5 (1) are contiguous to the Cooper Lake and  
6 Channels Project, Texas, authorized by section 301  
7 of the River and Harbor Act of 1965 (Public Law  
8 89–298; 79 Stat. 1091) and section 601(a) of the  
9 Water Resources Development Act of 1986 (Public  
10 Law 99–662; 100 Stat. 4145); and

11 (2) provide habitat value at least equal to the  
12 habitat value provided by the lands authorized to be  
13 redesignated under subsection (b).

14 (b) REDESIGNATION OF LANDS TO RECREATION  
15 PURPOSES.—Upon the acceptance of lands under sub-  
16 section (a), the Secretary is authorized to redesignate  
17 mitigation lands of not to exceed 300 acres to recreation  
18 purposes.

19 (c) FUNDING.—The cost of all work under this sec-  
20 tion, including real estate appraisals, cultural and environ-  
21 mental surveys, and all development necessary to avoid net  
22 mitigation losses, to the extent required, shall be borne  
23 by the non-Federal interest.

24 **SEC. 226. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.**

25 Notwithstanding the limitation set forth in section  
26 107(b) of the River and Harbor Act of 1960 (33 U.S.C.

1 577(b)), Federal participation in the maintenance of the  
 2 Rudee Inlet, Virginia Beach, Virginia, project shall con-  
 3 tinue for the life of the project. Nothing in this section  
 4 shall alter or modify the non-Federal cost sharing respon-  
 5 sibility as specified in the Rudee Inlet, Virginia Beach,  
 6 Virginia Detailed Project Report, dated October 1983.

7 **SEC. 227. VIRGINIA BEACH, VIRGINIA.**

8 (a) **ADJUSTMENT OF NON-FEDERAL SHARE.**—Not-  
 9 withstanding any other provision of law, the non-Federal  
 10 share of the costs of the project for beach erosion control  
 11 and hurricane protection, Virginia Beach, Virginia, au-  
 12 thorized by section 501(a) of the Water Resources Devel-  
 13 opment Act of 1986 (Public Law 99–662; 100 Stat.  
 14 4136), shall be reduced by \$3,120,803, or by such amount  
 15 as is determined by an audit carried out by the Depart-  
 16 ment of the Army to be due to the city of Virginia Beach  
 17 as reimbursement for beach nourishment activities carried  
 18 out by the city between October 1, 1986, and September  
 19 30, 1993, if the Federal Government has not reimbursed  
 20 the city for the activities prior to the date on which a  
 21 project cooperation agreement is executed for the project.

22 (b) **EXTENSION OF FEDERAL PARTICIPATION.**—

23 (1) **IN GENERAL.**—In accordance with section  
 24 156 of the Water Resources Development Act of  
 25 1976 (42 U.S.C. 1962d–5f), the Secretary shall ex-

1       tend Federal participation in the periodic nourish-  
2       ment of Virginia Beach as authorized by section 101  
3       of the River and Harbor Act of 1954 (68 Stat.  
4       1254) and modified by section 101 of the River and  
5       Harbor Act of 1962 (Public Law 87–874; 76 Stat.  
6       1177).

7               (2) DURATION.—Federal participation under  
8       paragraph (1) shall extend until the earlier of—

9               (A) the end of the 50-year period provided  
10       for in section 156 of the Water Resources De-  
11       velopment Act of 1976 (42 U.S.C. 1962d–5f);  
12       and

13              (B) the completion of the project for beach  
14       erosion control and hurricane protection, Vir-  
15       ginia Beach, Virginia, as modified by section  
16       102(cc) of the Water Resources Development  
17       Act of 1992 (Public Law 102–580; 106 Stat.  
18       4810).

## 19                               **TITLE III—GENERAL** 20                               **PROVISIONS**

### 21       **SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.**

22       Section 103(c) of the Water Resources Development  
23       Act of 1986 (33 U.S.C. 2213(c)) is amended—

24              (1) in paragraph (5), by striking “and” at the  
25       end;

1           (2) in paragraph (6), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(7) environmental protection and restoration:  
5           25 percent.”.

6 **SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

7           Section 7 of the Water Resources Development Act  
8 of 1988 (33 U.S.C. 2313) is amended—

9           (1) by striking subsection (e);

10          (2) by redesignating subsection (d) as sub-  
11          section (e); and

12          (3) by inserting after subsection (c) the follow-  
13          ing:

14          “(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

15               “(1) PRE-AGREEMENT.—If the Secretary deter-  
16               mines that information developed as a result of a re-  
17               search or development activity conducted by the  
18               Army Corps of Engineers is likely to be subject to  
19               a cooperative research and development agreement  
20               within 2 years after the development of the informa-  
21               tion, and that the information would be a trade se-  
22               cret or commercial or financial information that  
23               would be privileged or confidential if the information  
24               had been obtained from a non-Federal party partici-  
25               pating in a cooperative research and development

1 agreement under section 12 of the Stevenson-Wydler  
2 Technology Innovation Act of 1980 (15 U.S.C.  
3 3710a), the Secretary may provide appropriate pro-  
4 tections against the dissemination of the informa-  
5 tion, including exemption from subchapter II of  
6 chapter 5 of title 5, United States Code, until the  
7 earlier of—

8 “(A) the date on which the Secretary en-  
9 ters into such an agreement with respect to the  
10 information; or

11 “(B) the last day of the 2-year period be-  
12 ginning on the date of the determination.

13 “(2) POST-AGREEMENT.—Any information sub-  
14 ject to paragraph (1) that becomes the subject of a  
15 cooperative research and development agreement  
16 shall be subject to the protections provided under  
17 section 12(c)(7)(B) of the Act (15 U.S.C.  
18 3710a(c)(7)(B)) as if the information had been de-  
19 veloped under a cooperative research and develop-  
20 ment agreement.”.

21 **SEC. 303. NATIONAL DAM SAFETY PROGRAM.**

22 (a) FINDINGS.—Congress finds that—

23 (1)(A) dams are an essential part of the na-  
24 tional infrastructure;

1 (B) dams fail from time to time with cata-  
2 strophic results; and

3 (C) dam safety is a vital public concern;

4 (2) dam failures have caused, and may cause in  
5 the future, loss of life, injury, destruction of prop-  
6 erty, and economic and social disruption;

7 (3)(A) some dams are at or near the end of  
8 their structural, useful, or operational life; and

9 (B) the loss, destruction, and disruption result-  
10 ing from dam failures can be substantially reduced  
11 through the development and implementation of dam  
12 safety hazard reduction measures, including—

13 (i) improved design and construction  
14 standards and practices supported by a national  
15 dam performance resource bank located at  
16 Stanford University in California;

17 (ii) safe operation and maintenance proce-  
18 dures;

19 (iii) early warning systems;

20 (iv) coordinated emergency preparedness  
21 plans; and

22 (v) public awareness and involvement pro-  
23 grams;

24 (4)(A) dam safety problems persist nationwide;

1           (B) while dam safety is principally a State re-  
2           sponsibility, the diversity in Federal and State dam  
3           safety programs calls for national leadership in a co-  
4           operative effort involving the Federal Government,  
5           State governments, and the private sector; and

6           (C) an expertly staffed and adequately financed  
7           dam safety hazard reduction program, based on  
8           Federal, State, local, and private research, planning,  
9           decisionmaking, and contributions, would reduce the  
10          risk of the loss, destruction, and disruption resulting  
11          from dam failure by an amount far greater than the  
12          cost of the program;

13          (5)(A) there is a fundamental need for a na-  
14          tional program for dam safety hazards reduction,  
15          and the need will continue; and

16          (B) to be effective, such a national program will  
17          require input from, and review by, Federal and non-  
18          Federal experts in—

19                 (i) dam design, construction, operation,  
20                 and maintenance; and

21                 (ii) the practical application of dam failure  
22                 hazard reduction measures;

23          (6) as of the date of enactment of this Act—

24                 (A) there is no national dam safety pro-  
25                 gram; and

1 (B) the coordinating authority for national  
2 leadership concerning dam safety is provided  
3 through the dam safety program of the Federal  
4 Emergency Management Agency established  
5 under Executive Order 12148 (50 U.S.C. App.  
6 2251 note) in coordination with members of the  
7 Interagency Committee on Dam Safety and  
8 with States; and

9 (7) while the dam safety program of FEMA is  
10 a proper Federal undertaking, should continue, and  
11 should provide the foundation for a national dam  
12 safety program, statutory authority is needed—

13 (A) to meet increasing needs and to dis-  
14 charge Federal responsibilities in dam safety;

15 (B) to strengthen the leadership role of  
16 FEMA;

17 (C) to codify the national dam safety pro-  
18 gram;

19 (D) to authorize the Director of FEMA to  
20 communicate directly with Congress on author-  
21 izations and appropriations; and

22 (E) to build on the hazard reduction as-  
23 pects of dam safety.

24 (b) PURPOSE.—The purpose of this section is to re-  
25 duce the risks to life and property from dam failure in

1 the United States through the establishment and mainte-  
2 nance of an effective national dam safety program to bring  
3 together the expertise and resources of the Federal and  
4 non-Federal communities in achieving national dam safety  
5 hazard reduction.

6 (c) DAM SAFETY PROGRAM.—Public Law 92–367  
7 (33 U.S.C. 467 et seq.) is amended—

8 (1) by striking the first section and inserting  
9 the following:

10 **“SECTION 1. SHORT TITLE.**

11 “This Act may be cited as the ‘National Dam Safety  
12 Program Act’.”;

13 (2) by striking sections 5 and 7 through 14;

14 (3) by redesignating sections 2, 3, 4, and 6 as  
15 sections 3, 4, 5, and 11, respectively;

16 (4) by inserting after section 1 (as amended by  
17 paragraph (1)) the following:

18 **“SEC. 2. DEFINITIONS.**

19 “In this Act:

20 “(1) BOARD.—The term ‘Board’ means a Na-  
21 tional Dam Safety Review Board established under  
22 section 8(h).

23 “(2) DAM.—The term ‘dam’—

24 “(A) means any artificial barrier that has  
25 the ability to impound water, wastewater, or

1 any liquid-borne material, for the purpose of  
2 storage or control of water, that—

3 “(i) is 25 feet or more in height  
4 from—

5 “(I) the natural bed of the  
6 stream channel or watercourse meas-  
7 ured at the downstream toe of the  
8 barrier; or

9 “(II) if the barrier is not across  
10 a stream channel or watercourse, from  
11 the lowest elevation of the outside  
12 limit of the barrier;

13 to the maximum water storage elevation;  
14 or

15 “(ii) has an impounding capacity for  
16 maximum storage elevation of 50 acre-feet  
17 or more; but

18 “(B) does not include—

19 “(i) a levee; or

20 “(ii) a barrier described in subpara-  
21 graph (A) that—

22 “(I) is 6 feet or less in height re-  
23 gardless of storage capacity; or

24 “(II) has a storage capacity at  
25 the maximum water storage elevation

1                   that is 15 acre-feet or less regardless  
2                   of height;  
3                   unless the barrier, because of the location  
4                   of the barrier or another physical char-  
5                   acteristic of the barrier, is likely to pose a  
6                   significant threat to human life or property  
7                   if the barrier fails (as determined by the  
8                   Director).

9                   “(3) DIRECTOR.—The term ‘Director’ means  
10                  the Director of FEMA.

11                  “(4) FEDERAL AGENCY.—The term ‘Federal  
12                  agency’ means a Federal agency that designs, fi-  
13                  nances, constructs, owns, operates, maintains, or  
14                  regulates the construction, operation, or mainte-  
15                  nance of a dam.

16                  “(5) FEDERAL GUIDELINES FOR DAM SAFE-  
17                  TY.—The term ‘Federal Guidelines for Dam Safety’  
18                  means the FEMA publication, numbered 93 and  
19                  dated June 1979, that defines management practices  
20                  for dam safety at all Federal agencies.

21                  “(6) FEMA.—The term ‘FEMA’ means the  
22                  Federal Emergency Management Agency.

23                  “(7) HAZARD REDUCTION.—The term ‘hazard  
24                  reduction’ means the reduction in the potential con-  
25                  sequences to life and property of dam failure.

1           “(8) ICODS.—The term ‘ICODS’ means the  
2 Interagency Committee on Dam Safety established  
3 by section 7.

4           “(9) PROGRAM.—The term ‘Program’ means  
5 the national dam safety program established under  
6 section 8.

7           “(10) STATE.—The term ‘State’ means each of  
8 the several States of the United States, the District  
9 of Columbia, the Commonwealth of Puerto Rico, the  
10 Virgin Islands, Guam, American Samoa, the Com-  
11 monwealth of the Northern Mariana Islands, and  
12 any other territory or possession of the United  
13 States.

14           “(11) STATE DAM SAFETY AGENCY.—The term  
15 ‘State dam safety agency’ means a State agency that  
16 has regulatory authority over the safety of non-Fed-  
17 eral dams.

18           “(12) STATE DAM SAFETY PROGRAM.—The  
19 term ‘State dam safety program’ means a State dam  
20 safety program approved and assisted under section  
21 8(f).

22           “(13) UNITED STATES.—The term ‘United  
23 States’, when used in a geographical sense, means  
24 all of the States.”;

1 (5) in section 3 (as redesignated by paragraph  
2 (3))—

3 (A) by striking “SEC. 3. As” and inserting  
4 the following:

5 **“SEC. 3. INSPECTION OF DAMS.**

6 “(a) IN GENERAL.—As”; and

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

8 “(b) STATE PARTICIPATION.—On request of a State  
9 dam safety agency, with respect to any dam the failure  
10 of which would affect the State, the head of a Federal  
11 agency shall—

12 “(1) provide information to the State dam safe-  
13 ty agency on the construction, operation, or mainte-  
14 nance of the dam; or

15 “(2) allow any official of the State dam safety  
16 agency to participate in the Federal inspection of  
17 the dam.”;

18 (6) in section 4 (as redesignated by paragraph  
19 (3)), by striking “SEC. 4. As” and inserting the fol-  
20 lowing:

21 **“SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.**

22 “As”;

23 (7) in section 5 (as redesignated by paragraph  
24 (3)), by striking “SEC. 5. For” and inserting the fol-  
25 lowing:

1 **“SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND**  
2 **PROPERTY.**

3 “For”;

4 (8) by inserting after section 5 (as redesignated  
5 by paragraph (3)) the following:

6 **“SEC. 6. NATIONAL DAM INVENTORY.**

7 “The Secretary of the Army, acting through the Chief  
8 of Engineers, may maintain and periodically publish up-  
9 dated information on the inventory of dams in the United  
10 States.

11 **“SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.**

12 “(a) ESTABLISHMENT.—There is established an  
13 Interagency Committee on Dam Safety—

14 “(1) comprised of a representative of each of  
15 the Department of Agriculture, the Department of  
16 Defense, the Department of Energy, the Department  
17 of the Interior, the Department of Labor, FEMA,  
18 the Federal Energy Regulatory Commission, the Nu-  
19 clear Regulatory Commission, the Tennessee Valley  
20 Authority, and the United States Section of the  
21 International Boundary Commission; and

22 “(2) chaired by the Director.

23 “(b) DUTIES.—ICODS shall encourage the establish-  
24 ment and maintenance of effective Federal and State pro-  
25 grams, policies, and guidelines intended to enhance dam

1 safety for the protection of human life and property  
2 through—

3 “(1) coordination and information exchange  
4 among Federal agencies and State dam safety agen-  
5 cies; and

6 “(2) coordination and information exchange  
7 among Federal agencies concerning implementation  
8 of the Federal Guidelines for Dam Safety.

9 **“SEC. 8. NATIONAL DAM SAFETY PROGRAM.**

10 “(a) IN GENERAL.—The Director, in consultation  
11 with ICODS and State dam safety agencies, and the  
12 Board shall establish and maintain, in accordance with  
13 this section, a coordinated national dam safety program.  
14 The Program shall—

15 “(1) be administered by FEMA to achieve the  
16 objectives set forth in subsection (c);

17 “(2) involve, to the extent appropriate, each  
18 Federal agency; and

19 “(3) include—

20 “(A) each of the components described in  
21 subsection (d);

22 “(B) the implementation plan described in  
23 subsection (e); and

24 “(C) assistance for State dam safety pro-  
25 grams described in subsection (f).

1 “(b) DUTIES.—The Director shall—

2 “(1) not later than 270 days after the date of  
3 enactment of this paragraph, develop the implemen-  
4 tation plan described in subsection (e);

5 “(2) not later than 300 days after the date of  
6 enactment of this paragraph, submit to the appro-  
7 priate authorizing committees of Congress the imple-  
8 mentation plan described in subsection (e); and

9 “(3) by regulation, not later than 360 days  
10 after the date of enactment of this paragraph—

11 “(A) develop and implement the Program;

12 “(B) establish goals, priorities, and target  
13 dates for implementation of the Program; and

14 “(C) to the extent feasible, provide a meth-  
15 od for cooperation and coordination with, and  
16 assistance to, interested governmental entities  
17 in all States.

18 “(c) OBJECTIVES.—The objectives of the Program  
19 are to—

20 “(1) ensure that new and existing dams are  
21 safe through the development of technologically and  
22 economically feasible programs and procedures for  
23 national dam safety hazard reduction;

24 “(2) encourage acceptable engineering policies  
25 and procedures to be used for dam site investigation,

1 design, construction, operation and maintenance,  
2 and emergency preparedness;

3 “(3) encourage the establishment and imple-  
4 mentation of effective dam safety programs in each  
5 State based on State standards;

6 “(4) develop and encourage public awareness  
7 projects to increase public acceptance and support of  
8 State dam safety programs;

9 “(5) develop technical assistance materials for  
10 Federal and non-Federal dam safety programs; and

11 “(6) develop mechanisms with which to provide  
12 Federal technical assistance for dam safety to the  
13 non-Federal sector.

14 “(d) COMPONENTS.—

15 “(1) IN GENERAL.—The Program shall consist  
16 of—

17 “(A) a Federal element and a non-Federal  
18 element; and

19 “(B) leadership activity, technical assist-  
20 ance activity, and public awareness activity.

21 “(2) ELEMENTS.—

22 “(A) FEDERAL.—The Federal element  
23 shall incorporate the activities and practices  
24 carried out by Federal agencies under section 7

1 to implement the Federal Guidelines for Dam  
2 Safety.

3 “(B) NON-FEDERAL.—The non-Federal  
4 element shall consist of—

5 “(i) the activities and practices car-  
6 ried out by States, local governments, and  
7 the private sector to safely build, regulate,  
8 operate, and maintain dams; and

9 “(ii) Federal activities that foster  
10 State efforts to develop and implement ef-  
11 fective programs for the safety of dams.

12 “(3) FUNCTIONAL ACTIVITIES.—

13 “(A) LEADERSHIP.—The leadership activ-  
14 ity shall be the responsibility of FEMA and  
15 shall be exercised by chairing ICODS to coordi-  
16 nate Federal efforts in cooperation with State  
17 dam safety officials.

18 “(B) TECHNICAL ASSISTANCE.—The tech-  
19 nical assistance activity shall consist of the  
20 transfer of knowledge and technical information  
21 among the Federal and non-Federal elements  
22 described in paragraph (2).

23 “(C) PUBLIC AWARENESS.—The public  
24 awareness activity shall provide for the edu-  
25 cation of the public, including State and local

1 officials, in the hazards of dam failure, methods  
2 of reducing the adverse consequences of dam  
3 failure, and related matters.

4 “(e) IMPLEMENTATION PLAN.—The Director shall—

5 “(1) develop an implementation plan for the  
6 Program that shall set, through fiscal year 2001,  
7 year-by-year targets that demonstrate improvements  
8 in dam safety; and

9 “(2) recommend appropriate roles for Federal  
10 agencies and for State and local units of govern-  
11 ment, individuals, and private organizations in car-  
12 rying out the implementation plan.

13 “(f) ASSISTANCE FOR STATE DAM SAFETY PRO-  
14 GRAMS.—

15 “(1) IN GENERAL.—To encourage the establish-  
16 ment and maintenance of effective State programs  
17 intended to ensure dam safety, to protect human life  
18 and property, and to improve State dam safety pro-  
19 grams, the Director shall provide assistance with  
20 amounts made available under section 12 to assist  
21 States in establishing and maintaining dam safety  
22 programs—

23 “(A) in accordance with the criteria speci-  
24 fied in paragraph (2); and

1           “(B) in accordance with more advanced re-  
2           quirements and standards established by the  
3           Board and the Director with the assistance of  
4           established criteria such as the Model State  
5           Dam Safety Program published by FEMA,  
6           numbered 123 and dated April 1987, and  
7           amendments to the Model State Dam Safety  
8           Program.

9           “(2) CRITERIA.—For a State to be eligible for  
10          primary assistance under this subsection, a State  
11          dam safety program must be working toward meet-  
12          ing the following criteria, and for a State to be eligi-  
13          ble for advanced assistance under this subsection, a  
14          State dam safety program must meet the following  
15          criteria and be working toward meeting the ad-  
16          vanced requirements and standards established  
17          under paragraph (1)(B):

18                 “(A) AUTHORIZATION.—For a State to be  
19                 eligible for assistance under this subsection, a  
20                 State dam safety program must be authorized  
21                 by State legislation to include substantially, at  
22                 a minimum—

23                         “(i) the authority to review and ap-  
24                         prove plans and specifications to construct,

1 enlarge, modify, remove, and abandon  
2 dams;

3 “(ii) the authority to perform periodic  
4 inspections during dam construction to en-  
5 sure compliance with approved plans and  
6 specifications;

7 “(iii) a requirement that, on comple-  
8 tion of dam construction, State approval  
9 must be given before operation of the dam;

10 “(iv)(I) the authority to require or  
11 perform the inspection, at least once every  
12 5 years, of all dams and reservoirs that  
13 would pose a significant threat to human  
14 life and property in case of failure to de-  
15 termine the continued safety of the dams  
16 and reservoirs; and

17 “(II) a procedure for more detailed  
18 and frequent safety inspections;

19 “(v) a requirement that all inspections  
20 be performed under the supervision of a  
21 State-registered professional engineer with  
22 related experience in dam design and con-  
23 struction;

24 “(vi) the authority to issue notices,  
25 when appropriate, to require owners of

1 dams to perform necessary maintenance or  
2 remedial work, revise operating procedures,  
3 or take other actions, including breaching  
4 dams when necessary;

5 “(vii) regulations for carrying out the  
6 legislation of the State described in this  
7 subparagraph;

8 “(viii) provision for necessary funds—

9 “(I) to ensure timely repairs or  
10 other changes to, or removal of, a  
11 dam in order to protect human life  
12 and property; and

13 “(II) if the owner of the dam  
14 does not take action described in sub-  
15 clause (I), to take appropriate action  
16 as expeditiously as practicable;

17 “(ix) a system of emergency proce-  
18 dures to be used if a dam fails or if the  
19 failure of a dam is imminent; and

20 “(x) an identification of—

21 “(I) each dam the failure of  
22 which could be reasonably expected to  
23 endanger human life;

24 “(II) the maximum area that  
25 could be flooded if the dam failed; and

1                   “(III) necessary public facilities  
2                   that would be affected by the flooding.

3                   “(B) FUNDING.—For a State to be eligible  
4                   for assistance under this subsection, State ap-  
5                   propriations must be budgeted to carry out the  
6                   legislation of the State under subparagraph (A).

7                   “(3) WORK PLANS.—The Director shall enter  
8                   into a contract with each State receiving assistance  
9                   under paragraph (2) to develop a work plan nec-  
10                  essary for the State dam safety program of the  
11                  State to reach a level of program performance speci-  
12                  fied in the contract.

13                  “(4) MAINTENANCE OF EFFORT.—Assistance  
14                  may not be provided to a State under this subsection  
15                  for a fiscal year unless the State enters into such  
16                  agreement with the Director as the Director requires  
17                  to ensure that the State will maintain the aggregate  
18                  expenditures of the State from all other sources for  
19                  programs to ensure dam safety for the protection of  
20                  human life and property at or above a level equal to  
21                  the average annual level of the expenditures for the  
22                  2 fiscal years preceding the fiscal year.

23                  “(5) APPROVAL OF PROGRAMS.—

24                         “(A) SUBMISSION.—For a State to be eli-  
25                         gible for assistance under this subsection, a

1 plan for a State dam safety program shall be  
2 submitted to the Director.

3 “(B) APPROVAL.—A State dam safety pro-  
4 gram shall be deemed to be approved 120 days  
5 after the date of receipt by the Director unless  
6 the Director determines within the 120-day pe-  
7 riod that the State dam safety program fails to  
8 substantially meet the requirements of para-  
9 graphs (1) through (3).

10 “(C) NOTIFICATION OF DISAPPROVAL.—If  
11 the Director determines that a State dam safety  
12 program does not meet the requirements for ap-  
13 proval, the Director shall immediately notify the  
14 State in writing and provide the reasons for the  
15 determination and the changes that are nec-  
16 essary for the plan to be approved.

17 “(6) REVIEW OF STATE DAM SAFETY PRO-  
18 GRAMS.—Using the expertise of the Board, the Di-  
19 rector shall periodically review State dam safety pro-  
20 grams. If the Board finds that a State dam safety  
21 program has proven inadequate to reasonably pro-  
22 tect human life and property, and the Director con-  
23 curs, the Director shall revoke approval of the State  
24 dam safety program, and withhold assistance under

1       this subsection, until the State dam safety program  
2       again meets the requirements for approval.

3       “(g) DAM SAFETY TRAINING.—At the request of any  
4 State that has or intends to develop a State dam safety  
5 program, the Director shall provide training for State dam  
6 safety staff and inspectors.

7       “(h) BOARD.—

8               “(1) ESTABLISHMENT.—The Director may es-  
9       tablish an advisory board to be known as the ‘Na-  
10       tional Dam Safety Review Board’ to monitor State  
11       implementation of this section.

12              “(2) AUTHORITY.—The Board may use the ex-  
13       pertise of Federal agencies and enter into contracts  
14       for necessary studies to carry out this section.

15              “(3) MEMBERSHIP.—The Board shall consist of  
16       11 members selected by the Director for expertise in  
17       dam safety, of whom—

18                   “(A) 1 member shall represent the Depart-  
19       ment of Agriculture;

20                   “(B) 1 member shall represent the Depart-  
21       ment of Defense;

22                   “(C) 1 member shall represent the Depart-  
23       ment of the Interior;

24                   “(D) 1 member shall represent FEMA;

1           “(E) 1 member shall represent the Federal  
2 Energy Regulatory Commission;

3           “(F) 5 members shall be selected by the  
4 Director from among dam safety officials of  
5 States; and

6           “(G) 1 member shall be selected by the Di-  
7 rector to represent the United States Commit-  
8 tee on Large Dams.

9           “(4) COMPENSATION OF MEMBERS.—

10           “(A) FEDERAL EMPLOYEES.—Each mem-  
11 ber of the Board who is an officer or employee  
12 of the United States shall serve without com-  
13 pensation in addition to compensation received  
14 for the services of the member as an officer or  
15 employee of the United States.

16           “(B) OTHER MEMBERS.—Each member of  
17 the Board who is not an officer or employee of  
18 the United States shall serve without compensa-  
19 tion.

20           “(5) TRAVEL EXPENSES.—Each member of the  
21 Board shall be allowed travel expenses, including per  
22 diem in lieu of subsistence, at rates authorized for  
23 an employee of an agency under subchapter I of  
24 chapter 57 of title 5, United States Code, while  
25 away from the home or regular place of business of

1 the member in the performance of services for the  
2 Board.

3 “(6) APPLICABILITY OF FEDERAL ADVISORY  
4 COMMITTEE ACT.—The Federal Advisory Committee  
5 Act (5 U.S.C. App.) shall not apply to the Board.

6 **“SEC. 9. RESEARCH.**

7 “(a) IN GENERAL.—The Director, in cooperation  
8 with ICODS, shall carry out a program of technical and  
9 archival research to develop—

10 “(1) improved techniques, historical experience,  
11 and equipment for rapid and effective dam construc-  
12 tion, rehabilitation, and inspection; and

13 “(2) devices for the continued monitoring of the  
14 safety of dams.

15 “(b) CONSULTATION.—The Director shall provide for  
16 State participation in research under subsection (a) and  
17 periodically advise all States and Congress of the results  
18 of the research.

19 **“SEC. 10. REPORTS.**

20 “(a) REPORT ON DAM INSURANCE.—Not later than  
21 180 days after the date of enactment of this subsection,  
22 the Director shall report to Congress on the availability  
23 of dam insurance and make recommendations concerning  
24 encouraging greater availability.

1       “(b) BIENNIAL REPORTS.—Not later than 90 days  
2 after the end of each odd-numbered fiscal year, the Direc-  
3 tor shall submit a report to Congress that—

4               “(1) describes the status of the Program;

5               “(2) describes the progress achieved by Federal  
6 agencies during the 2 preceding fiscal years in im-  
7 plementing the Federal Guidelines for Dam Safety;

8               “(3) describes the progress achieved in dam  
9 safety by States participating in the Program; and

10              “(4) includes any recommendations for legisla-  
11 tive and other action that the Director considers  
12 necessary.”;

13              (9) in section 11 (as redesignated by paragraph  
14 (3))—

15                      (A) by striking “SEC. 11. Nothing” and in-  
16 serting the following:

17 **“SEC. 11. STATUTORY CONSTRUCTION.**

18       “Nothing”;

19                      (B) by striking “shall be construed (1) to  
20 create” and inserting the following: “shall—

21       “(1) create”;

22                      (C) by striking “or (2) to relieve” and in-  
23 serting the following:

24       “(2) relieve”; and

1 (D) by striking the period at the end and  
2 inserting the following: “; or

3 “(3) preempt any other Federal or State law.”;

4 and

5 (10) by adding at the end the following:

6 **“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) FUNDING.—

8 “(1) NATIONAL DAM SAFETY PROGRAM.—

9 “(A) ANNUAL AMOUNTS.—There are au-  
10 thorized to be appropriated to FEMA to carry  
11 out sections 7, 8, and 10 (in addition to any  
12 amounts made available for similar purposes in-  
13 cluded in any other Act and amounts made  
14 available under paragraphs (2) through (5)),  
15 \$1,000,000 for fiscal year 1997, \$2,000,000 for  
16 fiscal year 1998, \$4,000,000 for fiscal year  
17 1999, \$4,000,000 for fiscal year 2000, and  
18 \$4,000,000 for fiscal year 2001.

19 “(B) ALLOCATION.—

20 “(i) IN GENERAL.—Subject to clauses  
21 (ii) and (iii), for each fiscal year, amounts  
22 made available under this paragraph to  
23 carry out section 8 shall be allocated  
24 among the States as follows:

1                   “(I) One-third among States that  
2                   qualify for assistance under section  
3                   8(f).

4                   “(II) Two-thirds among States  
5                   that qualify for assistance under sec-  
6                   tion 8(f), to each such State in pro-  
7                   portion to—

8                   “(aa) the number of dams in  
9                   the State that are listed as State-  
10                  regulated dams on the inventory  
11                  of dams maintained under sec-  
12                  tion 6; as compared to

13                  “(bb) the number of dams in  
14                  all States that are listed as  
15                  State-regulated dams on the in-  
16                  ventory of dams maintained  
17                  under section 6.

18                  “(ii) MAXIMUM AMOUNT OF ALLOCA-  
19                  TION.—The amount of funds allocated to a  
20                  State under this subparagraph may not ex-  
21                  ceed 50 percent of the reasonable cost of  
22                  implementing the State dam safety pro-  
23                  gram.

24                  “(iii) DETERMINATION.—The Director  
25                  and the Board shall determine the amount

1 allocated to States needing primary assist-  
2 ance and States needing advanced assist-  
3 ance under section 8(f).

4 “(2) NATIONAL DAM INVENTORY.—There is au-  
5 thORIZED to be appropriated to carry out section 6  
6 \$500,000 for each fiscal year.

7 “(3) DAM SAFETY TRAINING.—There is author-  
8 ized to be appropriated to carry out section 8(g)  
9 \$500,000 for each of fiscal years 1997 through  
10 2001.

11 “(4) RESEARCH.—There is authorized to be ap-  
12 propriated to carry out section 9 \$1,000,000 for  
13 each of fiscal years 1997 through 2001.

14 “(5) STAFF.—There is authorized to be appro-  
15 priated to FEMA for the employment of such addi-  
16 tional staff personnel as are necessary to carry out  
17 sections 6 through 9 \$400,000 for each of fiscal  
18 years 1997 through 2001.

19 “(b) LIMITATION ON USE OF AMOUNTS.—Amounts  
20 made available under this Act may not be used to con-  
21 struct or repair any Federal or non-Federal dam.”.

22 (d) CONFORMING AMENDMENT.—Section 3(2) of the  
23 Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is  
24 amended by striking “the first section of Public Law 92–

1 367 (33 U.S.C. 467)” and inserting “section 2 of the Na-  
2 tional Dam Safety Program Act”.

3 **SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.**

4 (a) IN GENERAL.—In carrying out the maintenance,  
5 rehabilitation, and modernization of a hydroelectric power  
6 generating facility at a water resources project under the  
7 jurisdiction of the Department of the Army, the Secretary  
8 is authorized, to the extent funds are made available in  
9 appropriations Acts, to take such actions as are necessary  
10 to increase the efficiency of energy production or the ca-  
11 pacity of the facility, or both, if, after consulting with the  
12 heads of other appropriate Federal and State agencies, the  
13 Secretary determines that the increase—

14 (1) is economically justified and financially fea-  
15 sible;

16 (2) will not result in any significant adverse ef-  
17 fect on the other purposes for which the project is  
18 authorized;

19 (3) will not result in significant adverse envi-  
20 ronmental impacts; and

21 (4) will not involve major structural or oper-  
22 ational changes in the project.

23 (b) EFFECT ON OTHER AUTHORITY.—This section  
24 shall not affect the authority of the Secretary and the Ad-  
25 ministrator of the Bonneville Power Administration under

1 section 2406 of the Energy Policy Act of 1992 (16 U.S.C.  
2 839d-1).

3 **SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL**  
4 **OPERATION AND MAINTENANCE COSTS.**

5 (a) IN GENERAL.—In the case of a water resources  
6 project under the jurisdiction of the Department of the  
7 Army for which the non-Federal interests are responsible  
8 for performing the operation, maintenance, replacement,  
9 and rehabilitation of the project, or a separable element  
10 (as defined in section 103(f) of the Water Resources De-  
11 velopment Act of 1986 (33 U.S.C. 2213(f)) of the project,  
12 and for which the Federal Government is responsible for  
13 paying a portion of the operation, maintenance, replace-  
14 ment, and rehabilitation costs of the project or separable  
15 element, the Secretary may make, in accordance with this  
16 section and under terms and conditions acceptable to the  
17 Secretary, a payment of the estimated total Federal share  
18 of the costs to the non-Federal interests after completion  
19 of construction of the project or separable element.

20 (b) AMOUNT OF PAYMENT.—The amount that may  
21 be paid by the Secretary under subsection (a) shall be  
22 equal to the present value of the Federal payments over  
23 the life of the project, as estimated by the Federal Govern-  
24 ment, and shall be computed using an interest rate deter-  
25 mined by the Secretary of the Treasury taking into consid-

1 eration current market yields on outstanding marketable  
2 obligations of the United States with maturities com-  
3 parable to the remaining life of the project.

4 (c) AGREEMENT.—The Secretary may make a pay-  
5 ment under this section only if the non-Federal interests  
6 have entered into a binding agreement with the Secretary  
7 to perform the operation, maintenance, replacement, and  
8 rehabilitation of the project or separable element. The  
9 agreement shall—

10 (1) meet the requirements of section 221 of the  
11 Flood Control Act of 1970 (42 U.S.C. 1962d–5b);  
12 and

13 (2) specify—

14 (A) the terms and conditions under which  
15 a payment may be made under this section; and

16 (B) the rights of, and remedies available  
17 to, the Federal Government to recover all or a  
18 portion of a payment made under this section  
19 if a non-Federal interest suspends or terminates  
20 the performance by the non-Federal interest of  
21 the operation, maintenance, replacement, and  
22 rehabilitation of the project or separable ele-  
23 ment, or fails to perform the activities in a  
24 manner that is satisfactory to the Secretary.

1 (d) EFFECT OF PAYMENT.—Except as provided in  
2 subsection (c), a payment provided to the non-Federal in-  
3 terests under this section shall relieve the Federal Govern-  
4 ment of any obligation, after the date of the payment, to  
5 pay any of the operation, maintenance, replacement, or re-  
6 habilitation costs for the project or separable element.

7 **SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING**  
8 **PROJECT FEATURES.**

9 After the date of enactment of this Act, any proposal  
10 submitted to Congress by the Secretary for modification  
11 of an existing authorized water resources development  
12 project (in existence on the date of the proposal) by re-  
13 moval of one or more of the project features that would  
14 significantly and adversely impact the authorized project  
15 purposes or outputs shall include the recommendation that  
16 the non-Federal interests shall provide 50 percent of the  
17 cost of any such modification, including the cost of acquir-  
18 ing any additional interests in lands that become nec-  
19 essary for accomplishing the modification.

20 **SEC. 307. TERMINATION OF TECHNICAL ADVISORY COM-**  
21 **MITTEE.**

22 Section 310 of the Water Resources Development Act  
23 of 1990 (33 U.S.C. 2319) is amended—

24 (1) by striking subsection (a); and

25 (2) in subsection (b)—

1 (A) by striking “(b) PUBLIC PARTICIPA-  
2 TION.—”; and

3 (B) by striking “subsection” each place it  
4 appears and inserting “section”.

5 **SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.**

6 (a) IN GENERAL.—Section 1001(b)(2) of the Water  
7 Resources Development Act of 1986 (33 U.S.C.  
8 579a(b)(2)) is amended—

9 (1) in the first sentence, by striking “10” and  
10 inserting “5”;

11 (2) in the second sentence, by striking “Before”  
12 and inserting “Upon official”; and

13 (3) in the last sentence, by inserting “the plan-  
14 ning, design, or” before “construction”.

15 (b) CONFORMING AMENDMENTS.—Section 52 of the  
16 Water Resources Development Act of 1988 (Public Law  
17 100–676; 102 Stat. 4044) is amended—

18 (1) by striking subsection (a) (33 U.S.C. 579a  
19 note);

20 (2) by redesignating subsections (b) through (e)  
21 as subsections (a) through (d), respectively; and

22 (3) in subsection (d) (as so redesignated), by  
23 striking “or subsection (a) of this section”.

1 **SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEER-**  
2 **ING AND SCIENTIFIC CONFERENCES.**

3 Section 211 of the Flood Control Act of 1950 (33  
4 U.S.C. 701u) is repealed.

5 **SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF**  
6 **ARMY CIVIL WORKS PROGRAM.**

7 (a) **IN GENERAL.**—In carrying out research and de-  
8 velopment in support of the civil works program of the  
9 Department of the Army, the Secretary may utilize con-  
10 tracts, cooperative research and development agreements,  
11 and cooperative agreements with, and grants to, non-Fed-  
12 eral entities, including State and local governments, col-  
13 leges and universities, consortia, professional and tech-  
14 nical societies, public and private scientific and technical  
15 foundations, research institutions, educational organiza-  
16 tions, and nonprofit organizations.

17 (b) **COMMERCIAL APPLICATION.**—In the case of a  
18 contract for research or development, or both, the Sec-  
19 retary may—

20 (1) require that the research or development, or  
21 both, have potential commercial application; and

22 (2) use the potential for commercial application  
23 as an evaluation factor, if appropriate.

1 **SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT**  
2 **AUTHORITY.**

3 (a) **IN GENERAL.**—The Secretary may engage in ac-  
4 tivities in support of other Federal agencies or inter-  
5 national organizations to address problems of national sig-  
6 nificance to the United States. The Secretary may engage  
7 in activities in support of international organizations only  
8 after consulting with the Secretary of State. The Secretary  
9 may use the technical and managerial expertise of the  
10 Army Corps of Engineers to address domestic and inter-  
11 national problems related to water resources, infrastruc-  
12 ture development, and environmental protection.

13 (b) **FUNDING.**—There are authorized to be appro-  
14 priated \$1,000,000 to carry out this section. The Sec-  
15 retary may accept and expend additional funds from other  
16 Federal agencies or international organizations to carry  
17 this section.

18 **SEC. 312. SECTION 1135 PROGRAM.**

19 (a) **EXPANSION OF PROGRAM.**—Section 1135 of the  
20 Water Resources Development Act of 1986 (33 U.S.C.  
21 2309a) is amended—

22 (1) in subsection (a), by inserting before the pe-  
23 riod at the end the following: “and to determine if  
24 the operation of the projects has contributed to the  
25 degradation of the quality of the environment”;

1           (2) in subsection (b), by striking the last two  
2 sentences;

3           (3) by redesignating subsections (c), (d), and  
4 (e) as subsections (e), (f), and (g), respectively; and

5           (4) by inserting after subsection (b) the follow-  
6 ing:

7           “(c) MEASURES TO RESTORE ENVIRONMENTAL  
8 QUALITY.—If the Secretary determines under subsection  
9 (a) that operation of a water resources project has contrib-  
10 uted to the degradation of the quality of the environment,  
11 the Secretary may carry out, with respect to the project,  
12 measures for the restoration of environmental quality, if  
13 the measures are feasible and consistent with the author-  
14 ized purposes of the project.

15           “(d) FUNDING.—The non-Federal share of the cost  
16 of any modification or measure carried out pursuant to  
17 subsection (b) or (c) shall be 25 percent. Not more than  
18 \$5,000,000 in Federal funds may be expended on any 1  
19 such modification or measure.”.

20           (b) PINE FLAT DAM FISH AND WILDLIFE HABITAT  
21 RESTORATION, CALIFORNIA.—In accordance with section  
22 1135(b) of the Water Resources Development Act of 1986  
23 (33 U.S.C. 2309a(b)), the Secretary shall carry out the  
24 construction of a turbine bypass at Pine Flat Dam, Kings  
25 River, California.

1           (c) LOWER AMAZON CREEK RESTORATION, OR-  
2 EGON.—In accordance with section 1135 of the Water Re-  
3 sources Development Act of 1986 (33 U.S.C. 2309a), the  
4 Secretary may carry out justified environmental restora-  
5 tion measures with respect to the flood reduction measures  
6 constructed by the Army Corps of Engineers, and the re-  
7 lated flood reduction measures constructed by the Natural  
8 Resources Conservation Service, in the Amazon Creek  
9 drainage. The Federal share of the restoration measures  
10 shall be jointly funded by the Army Corps of Engineers  
11 and the Natural Resources Conservation Service in pro-  
12 portion to the share required to be paid by each agency  
13 of the original costs of the flood reduction measures.

14 **SEC. 313. ENVIRONMENTAL DREDGING.**

15           Section 312 of the Water Resources Development Act  
16 of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is  
17 amended by striking subsection (f).

18 **SEC. 314. FEASIBILITY STUDIES.**

19           (a) NON-FEDERAL SHARE.—Section 105(a)(1) of the  
20 Water Resources Development Act of 1986 (33 U.S.C.  
21 2215(a)(1)) is amended—

22                   (1) in the first sentence, by striking “during  
23                   the period of such study”;

24                   (2) by inserting after the first sentence the fol-  
25                   lowing: “During the period of the study, the non-

1 Federal share of the cost of the study shall be not  
2 more than 50 percent of the estimate of the cost of  
3 the study as contained in the feasibility cost sharing  
4 agreement. The cost estimate may be amended only  
5 by mutual agreement of the Secretary and the non-  
6 Federal interests. The non-Federal share of any  
7 costs in excess of the cost estimate shall, except as  
8 otherwise mutually agreed by the Secretary and the  
9 non-Federal interests, be payable after the project  
10 has been authorized for construction and on the date  
11 on which the Secretary and non-Federal interests  
12 enter into an agreement pursuant to section 101(e)  
13 or 103(j).”; and

14 (3) in the last sentence, by striking “such non-  
15 Federal contribution” and inserting “the non-Fed-  
16 eral share required under this paragraph”.

17 (b) APPLICABILITY.—The amendments made by sub-  
18 section (a) shall apply notwithstanding any feasibility cost  
19 sharing agreement entered into by the Secretary and non-  
20 Federal interests, and the Secretary shall amend any fea-  
21 sibility cost sharing agreements in effect on the date of  
22 enactment of this Act so as to conform the agreements  
23 with the amendments. Nothing in this section or any  
24 amendment made by this section shall require the Sec-

1 retary to reimburse the non-Federal interests for funds  
2 previously contributed for a study.

3 **SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.**

4 (a) PENALTY.—Section 16 of the Act entitled “An  
5 Act making appropriations for the construction, repair,  
6 and preservation of certain public works on rivers and har-  
7 bors, and for other purposes”, approved March 3, 1899  
8 (33 U.S.C. 411), is amended—

9 (1) by striking “sections thirteen, fourteen, and  
10 fifteen” and inserting “section 13, 14, 15, 19, or  
11 20”; and

12 (2) by striking “not exceeding twenty-five hun-  
13 dred dollars nor less than five hundred dollars” and  
14 inserting “of not more than \$25,000 for each day  
15 that the violation continues”.

16 (b) GENERAL AUTHORITY.—Section 20 of the Act  
17 (33 U.S.C. 415) is amended—

18 (1) in subsection (a)—

19 (A) by striking “Under emergency” and  
20 inserting “SUMMARY REMOVAL PROCE-  
21 DURES.—Under emergency”; and

22 (B) by striking “expense” the first place it  
23 appears and inserting “actual expense, includ-  
24 ing administrative expenses,”;

25 (2) in subsection (b)—

1 (A) by striking “cost” and inserting “ac-  
2 tual cost, including administrative costs,”; and

3 (B) by striking “(b) The” and inserting  
4 “(c) LIABILITY OF OWNER, LESSEE, OR OPER-  
5 ATOR.—The”; and

6 (3) by inserting after subsection (a) the follow-  
7 ing:

8 “(b) REMOVAL REQUIREMENT.—Not later than 24  
9 hours after the Secretary of the Department in which the  
10 Coast Guard is operating issues an order to stop or delay  
11 navigation in any navigable waters of the United States  
12 because of conditions related to the sinking or grounding  
13 of a vessel, the owner or operator of the vessel, with the  
14 approval of the Secretary of the Army, shall begin removal  
15 of the vessel using the most expeditious removal method  
16 available or, if appropriate, secure the vessel pending re-  
17 moval to allow navigation to resume. If the owner or oper-  
18 ator fails to begin removal or to secure the vessel pending  
19 removal in accordance with the preceding sentence or fails  
20 to complete removal as soon as possible, the Secretary of  
21 the Army shall remove or destroy the vessel using the sum-  
22 mary removal procedures under subsection (a).”.

23 **SEC. 316. LEVEE OWNERS MANUAL.**

24 Section 5 of the Act entitled “An Act authorizing the  
25 construction of certain public works on rivers and harbors

1 for flood control, and for other purposes”, approved Au-  
2 gust 18, 1941 (33 U.S.C. 701n), is amended by adding  
3 at the end the following:

4 “(c) LEVEE OWNERS MANUAL.—

5 “(1) IN GENERAL.—Not later than 1 year after  
6 the date of enactment of this subsection, in accord-  
7 ance with chapter 5 of title 5, United States Code,  
8 the Secretary shall prepare a manual describing the  
9 maintenance and upkeep responsibilities that the  
10 Army Corps of Engineers requires of a non-Federal  
11 interest in order for the non-Federal interest to re-  
12 ceive Federal assistance under this section. The Sec-  
13 retary shall provide a copy of the manual at no cost  
14 to each non-Federal interest that is eligible to re-  
15 ceive Federal assistance under this section.

16 “(2) PROHIBITION ON DELEGATION.—The  
17 preparation of the manual shall be carried out under  
18 the personal direction of the Secretary.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated \$1,000,000  
21 to carry out this subsection.

22 “(4) DEFINITIONS.—In this subsection:

23 “(A) MAINTENANCE AND UPKEEP.—The  
24 term ‘maintenance and upkeep’ means all main-  
25 tenance and general upkeep of a levee per-

1           formed on a regular and consistent basis that  
2           is not repair and rehabilitation.

3           “(B) REPAIR AND REHABILITATION.—The  
4           term ‘repair and rehabilitation’—

5                   “(i) except as provided in clause (ii),  
6                   means the repair or rebuilding of a levee or  
7                   other flood control structure, after the  
8                   structure has been damaged by a flood, to  
9                   the level of protection provided by the  
10                  structure before the flood; and

11                  “(ii) does not include—

12                           “(I) any improvement to the  
13                           structure; or

14                           “(II) repair or rebuilding de-  
15                           scribed in clause (i) if, in the normal  
16                           course of usage, the structure becomes  
17                           structurally unsound and is no longer  
18                           fit to provide the level of protection  
19                           for which the structure was designed.

20           “(C) SECRETARY.—The term ‘Secretary’  
21           means the Secretary of the Army.”.

22 **SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.**

23           (a) IN GENERAL.—Not later than 1 year after the  
24           date of enactment of this Act, the Secretary shall obtain  
25           the services of an independent consultant to evaluate—

1 (1) the relationship between—

2 (A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in  
3 Flood Damage Reduction Studies established in  
4 an Army Corps of Engineers engineering circular; and

5  
6 (B) minimum engineering and safety  
7 standards;

8  
9 (2) the validity of results generated by the studies described in paragraph (1); and

10  
11 (3) policy impacts related to change in the studies described in paragraph (1).

12  
13 (b) TASK FORCE.—

14 (1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to  
15  
16  
17  
18 oversee and review the analysis.

19 (2) MEMBERSHIP.—The task force shall consist  
20 of—

21 (A) the Assistant Secretary of the Army having responsibility for civil works, who shall  
22  
23 serve as chairperson of the task force;

24 (B) the Administrator of the Federal  
25 Emergency Management Agency;

1 (C) the Chief of the Natural Resources  
2 Conservation Service of the Department of Ag-  
3 riculture;

4 (D) a State representative appointed by  
5 the Secretary from among individuals rec-  
6 ommended by the Association of State Flood-  
7 plain Managers;

8 (E) a local government public works offi-  
9 cial appointed by the Secretary from among in-  
10 dividuals recommended by a national organiza-  
11 tion representing public works officials; and

12 (F) an individual from the private sector,  
13 who shall be appointed by the Secretary.

14 (3) COMPENSATION.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (B), a member of the task force  
17 shall serve without compensation.

18 (B) EXPENSES.—Each member of the task  
19 force shall be allowed—

20 (i) travel expenses, including per diem  
21 in lieu of subsistence, at rates authorized  
22 for employees of agencies under subchapter  
23 I of chapter 57 of title 5, United States  
24 Code, while away from the home or regular

1 place of business of the member in the per-  
2 formance of services for the task force; and  
3 (ii) other expenses incurred in the  
4 performance of services for the task force,  
5 as determined by the Secretary.

6 (4) TERMINATION.—The task force shall termi-  
7 nate 2 years after the date of enactment of this Act.

8 (c) LIMITATION ON USE OF METHODOLOGY.—Dur-  
9 ing the period beginning on the date of enactment of this  
10 Act and ending 2 years after that date, if requested by  
11 a non-Federal interest, the Secretary shall refrain from  
12 using any risk-based technique required under the studies  
13 described in subsection (a) for the evaluation and design  
14 of a project carried out in cooperation with the non-Fed-  
15 eral interest unless the Secretary, in consultation with the  
16 task force, has provided direction for use of the technique  
17 after consideration of the independent evaluation required  
18 under subsection (a).

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated \$500,000 to carry out  
21 this section.

22 **SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.**

23 Section 405 of the Water Resources Development Act  
24 of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is  
25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by adding at the end  
3 the following: “The goal of the program shall be  
4 to make possible the development, on an oper-  
5 ational scale, of 1 or more sediment decon-  
6 tamination technologies, each of which dem-  
7 onstrates a sediment decontamination capacity  
8 of at least 2,500 cubic yards per day.”; and

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

10 “(3) REPORT TO CONGRESS.—Not later than  
11 September 30, 1996, and September 30 of each year  
12 thereafter, the Administrator and the Secretary shall  
13 report to Congress on progress made toward the  
14 goal described in paragraph (2).”; and

15 (2) in subsection (c)—

16 (A) by striking “\$5,000,000” and inserting  
17 “\$10,000,000”; and

18 (B) by striking “1992” and inserting  
19 “1996”.

20 **SEC. 319. MELALEUCA TREE.**

21 Section 104(a) of the River and Harbor Act of 1958  
22 (33 U.S.C. 610(a)) is amended by inserting “melaleuca  
23 tree,” after “milfoil”.

1 **SEC. 320. FAULKNER ISLAND, CONNECTICUT.**

2 In consultation with the Director of the United States  
3 Fish and Wildlife Service, the Secretary shall design and  
4 construct shoreline protection measures for the coastline  
5 adjacent to the Faulkner Island Lighthouse, Connecticut,  
6 at a total cost of \$4,500,000.

7 **SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED**  
8 **RIVER WATERWAY, LOUISIANA.**

9 (a) DESIGNATION.—Lock and Dam numbered 4 of  
10 the Red River Waterway, Louisiana, is designated as the  
11 “Russell B. Long Lock and Dam”.

12 (b) LEGAL REFERENCES.—A reference in any law,  
13 regulation, document, map, record, or other paper of the  
14 United States to the lock and dam referred to in sub-  
15 section (a) shall be deemed to be a reference to the “Rus-  
16 sell B. Long Lock and Dam”.

17 **SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMIS-**  
18 **SION, LOUISIANA.**

19 The jurisdiction of the Mississippi River Commission  
20 established by the Act of June 28, 1879 (21 Stat. 37,  
21 chapter 43; 33 U.S.C. 641 et seq.), is extended to include  
22 all of the area between the eastern side of the Bayou  
23 Lafourche Ridge from Donaldsonville, Louisiana, to the  
24 Gulf of Mexico and the west guide levee of the Mississippi  
25 River from Donaldsonville, Louisiana, to the Gulf of Mex-  
26 ico.

1 **SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD,**  
2 **GARRETT COUNTY, MARYLAND.**

3 The Secretary shall transfer up to \$600,000 from the  
4 funds appropriated for the William Jennings Randolph  
5 Lake, Maryland and West Virginia, project to the State  
6 of Maryland for use by the State in constructing an access  
7 road to the William Jennings Randolph Lake in Garrett  
8 County, Maryland.

9 **SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.**

10 The Secretary shall repair the access roads to  
11 Arkabutla Dam and Arkabutla Lake in Tate County and  
12 DeSoto County, Mississippi, at a total cost of not to ex-  
13 ceed \$1,400,000.

14 **SEC. 325. NEW YORK STATE CANAL SYSTEM.**

15 (a) IN GENERAL.—In order to make capital improve-  
16 ments to the New York State canal system, the Secretary,  
17 with the consent of appropriate local and State entities,  
18 shall enter into such arrangements, contracts, and leases  
19 with public and private entities as may be necessary for  
20 the purposes of rehabilitation, renovation, preservation,  
21 and maintenance of the New York State canal system and  
22 related facilities, including trailside facilities and other  
23 recreational projects along the waterways referred to in  
24 subsection (c).

25 (b) FEDERAL SHARE.—The Federal share of the cost  
26 of capital improvements under this section shall be 50 per-

1 cent. The total cost is \$14,000,000, with an estimated  
2 Federal cost of \$7,000,000 and an estimated non-Federal  
3 cost of \$7,000,000.

4 (c) DEFINITION OF NEW YORK STATE CANAL SYS-  
5 TEM.—In this section, the term “New York State canal  
6 system” means the Erie, Oswego, Champlain, and Ca-  
7 yuga-Seneca Canals in New York.

8 **SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

9 The Secretary shall replace the bulkhead between  
10 piers 1 and 2 at the Quonset Point-Davisville Industrial  
11 Park, Rhode Island, at a total cost of \$1,350,000. The  
12 estimated Federal share of the project cost is \$1,012,500,  
13 and the estimated non-Federal share of the project cost  
14 is \$337,500. In conjunction with this project, the Sec-  
15 retary shall install high mast lighting at pier 2 at a total  
16 cost of \$300,000, with an estimated Federal cost of  
17 \$225,000 and an estimated non-Federal cost of \$75,000.

18 **SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON,**

19 **SOUTH CAROLINA.**

20 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
21 TION.—Notwithstanding any other law, the Secretary of  
22 the Navy shall transfer to the Secretary administrative ju-  
23 risdiction over the approximately 1,400 acres of land  
24 under the jurisdiction of the Department of the Navy that

1 comprise a portion of the Clouter Creek disposal area,  
2 Charleston, South Carolina.

3 (b) USE OF TRANSFERRED LAND.—The land trans-  
4 ferred under subsection (a) shall be used by the Depart-  
5 ment of the Army as a dredge material disposal area for  
6 dredging activities in the vicinity of Charleston, South  
7 Carolina, including the Charleston Harbor navigation  
8 project.

9 (c) COST SHARING.—Nothing in this section modifies  
10 any non-Federal cost-sharing requirement established  
11 under title I of the Water Resources Development Act of  
12 1986 (33 U.S.C. 2211 et seq.).

13 **SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GAS-**  
14 **TON, VIRGINIA AND NORTH CAROLINA.**

15 Section 339(b) of the Water Resources Development  
16 Act of 1992 (Public Law 102–580; 106 Stat. 4855) is  
17 amended by striking “1993 and 1994” and inserting  
18 “1995 and 1996”.

19 **SEC. 329. WASHINGTON AQUEDUCT.**

20 (a) DEFINITIONS.—In this section:

21 (1) NON-FEDERAL PUBLIC WATER SUPPLY CUS-  
22 TOMER.—The term “non-Federal public water sup-  
23 ply customer” means—

24 (A) the District of Columbia;

25 (B) Arlington County, Virginia; and

1 (C) the City of Falls Church, Virginia.

2 (2) WASHINGTON AQUEDUCT.—The term  
3 “Washington Aqueduct” means the Washington Aqueduct facilities and related facilities owned by the  
4 Federal Government as of the date of enactment of  
5 this Act, including—  
6

7 (A) the dams, intake works, conduits, and  
8 pump stations that capture and transport raw  
9 water from the Potomac River to the Dalecarlia  
10 Reservoir;

11 (B) the infrastructure and appurtenances  
12 used to treat water taken from the Potomac  
13 River to potable standards; and

14 (C) related water distribution facilities.

15 (b) REGIONAL ENTITY.—

16 (1) IN GENERAL.—Congress encourages and  
17 grants consent to the non-Federal public water supply customers to establish a public or private entity  
18 or to enter into an agreement with an existing public  
19 or private entity to—  
20

21 (A) receive title to the Washington Aqueduct; and  
22

23 (B) operate, maintain, and manage the  
24 Washington Aqueduct in a manner that ade-

1           quately represents all interests of non-Federal  
2           public water supply customers.

3           (2) CONSIDERATION.—An entity receiving title  
4           to the Washington Aqueduct that is not composed  
5           entirely of the non-Federal public water supply cus-  
6           tomers shall receive consideration for providing eq-  
7           uity for the Aqueduct.

8           (3) PRIORITY ACCESS.—The non-Federal public  
9           water supply customers shall have priority access to  
10          any water produced by the Aqueduct.

11          (4) CONSENT OF CONGRESS.—Congress grants  
12          consent to the non-Federal public water supply cus-  
13          tomers to enter into any interstate agreement or  
14          compact required to carry out this section.

15          (5) STATUTORY CONSTRUCTION.—This section  
16          shall not preclude the non-Federal public water sup-  
17          ply customers from pursuing any option regarding  
18          ownership, operation, maintenance, and management  
19          of the Washington Aqueduct.

20          (c) PROGRESS REPORT AND PLAN.—Not later than  
21          1 year after the date of enactment of this Act, the Sec-  
22          retary shall report to the Committee on Environment and  
23          Public Works in the Senate and the Committee on Trans-  
24          portation and Infrastructure in the House of Representa-  
25          tives on any progress in achieving a plan for the transfer

1 of ownership, operation, maintenance, and management of  
2 the Washington Aqueduct to a public or private entity.

3 (d) TRANSFER.—

4 (1) IN GENERAL.—Subject to subsection (b)(2)  
5 and any terms or conditions the Secretary considers  
6 appropriate to protect the interests of the United  
7 States, the Secretary may, with the consent of the  
8 non-Federal public water supply customers and  
9 without consideration to the Federal Government,  
10 transfer all rights, title, and interest of the United  
11 States in the Washington Aqueduct, its real prop-  
12 erty, facilities, and personalty, to a public or private  
13 entity established or contracted with pursuant to  
14 subsection (b).

15 (2) ADEQUATE CAPABILITIES.—The Secretary  
16 shall transfer ownership to the Washington Aque-  
17 duct under paragraph (1) only if the Secretary de-  
18 termines, after opportunity for public input, that the  
19 entity to receive ownership of the Aqueduct has the  
20 technical, managerial, and financial capability to op-  
21 erate, maintain, and manage the Aqueduct.

22 (3) RESPONSIBILITIES.—The Secretary shall  
23 not transfer title under this subsection unless the  
24 entity to receive title assumes full responsibility for  
25 performing and financing the operation, mainte-

1 nance, repair, replacement, rehabilitation, and nec-  
2 essary capital improvements of the Washington Aq-  
3 ueduct so as to ensure the continued operation of  
4 the Washington Aqueduct consistent with Aque-  
5 duct's intended purpose of providing an uninter-  
6 rupted supply of potable water sufficient to meet the  
7 current and future needs of the Aqueduct's service  
8 area.

9 (e) INTERIM BORROWING AUTHORITY.—

10 (1) BORROWING.—

11 (A) IN GENERAL.—The Secretary is au-  
12 thorized to borrow from the Treasury of the  
13 United States such amounts for fiscal years  
14 1997 and 1998 as is sufficient to cover any ob-  
15 ligations that the United States Army Corps of  
16 Engineers is required to incur in carrying out  
17 capital improvements during fiscal years 1997  
18 and 1998 for the Washington Aqueduct to en-  
19 sure continued operation of the Aqueduct until  
20 such time as a transfer of title of the Aqueduct  
21 has taken place.

22 (B) LIMITATION.—The amount borrowed  
23 by the Secretary under subparagraph (A) may  
24 not exceed \$29,000,000 for fiscal year 1997  
25 and \$24,000,000 for fiscal year 1998.

1 (C) AGREEMENT.—Amounts borrowed  
2 under subparagraph (A) may only be used for  
3 capital improvements agreed to by the Army  
4 Corps of Engineers and the non-Federal public  
5 water supply customers.

6 (D) TERMS OF BORROWING.—

7 (i) IN GENERAL.—The Secretary of  
8 the Treasury shall provide the funds bor-  
9 rowed under subparagraph (A) under such  
10 terms and conditions as the Secretary of  
11 Treasury determines to be necessary and  
12 in the public interest and subject to the  
13 contracts required in paragraph (2).

14 (ii) SPECIFIED TERMS.—The term of  
15 any amounts borrowed under subpara-  
16 graph (A) shall be for a period of not less  
17 than 20 years. There shall be no penalty  
18 for the prepayment of any amounts bor-  
19 rowed under subparagraph (A).

20 (2) CONTRACTS WITH PUBLIC WATER SUPPLY  
21 CUSTOMERS.—

22 (A) CONTRACTS TO REPAY CORPS DEBT.—

23 To the extent provided in appropriations Act,  
24 and in accordance with paragraph (1), the  
25 Chief of Engineers of the Army Corps of Engi-

1           neers may enter into a series of contracts with  
2           each public water supply customer under which  
3           the customer commits to repay a pro-rata share  
4           (based on water purchase) of the principal and  
5           interest owed by the Secretary to the Secretary  
6           of the Treasury under paragraph (1). Any cus-  
7           tomer, or customers, may prepay, at any time,  
8           the pro-rata share of the principal and interest  
9           then owed by the customer and outstanding, or  
10          any portion thereof, without penalty. Under  
11          each of the contracts, the customer that enters  
12          into the contract shall commit to pay any addi-  
13          tional amount necessary to fully offset the risk  
14          of default on the contract.

15                   (B) OFFSETTING OF RISK OF DEFAULT.—  
16          Each contract under subparagraph (A) shall in-  
17          clude such additional terms and conditions as  
18          the Secretary of the Treasury may require so  
19          that the value to the Government of the con-  
20          tracts is estimated to be equal to the  
21          obligational authority used by the Army Corps  
22          of Engineers for modernizing the Washington  
23          Aqueduct at the time that each series of con-  
24          tracts is entered into.

1 (C) OTHER CONDITIONS.—Each contract  
2 entered into under subparagraph (A) shall—

3 (i) provide that the public water sup-  
4 ply customer pledges future income only  
5 from fees assessed to operate and maintain  
6 the Washington Aqueduct;

7 (ii) provide the United States priority  
8 in regard to income from fees assessed to  
9 operate and maintain the Washington Aqu-  
10 ueduct; and

11 (iii) include other conditions not in-  
12 consistent with this section that the Sec-  
13 retary of the Treasury determines to be  
14 appropriate.

15 (3) EXTENSION OF BORROWING AUTHORITY.—

16 If no later than 24 months from the date of enact-  
17 ment of this Act, a written agreement in principle  
18 has been reached between the Secretary, the non-  
19 Federal public water supply customers, and (if one  
20 exists) the public or private entity proposed to own,  
21 operate, maintain, and manage the Washington Aqu-  
22 ueduct, then it shall be appropriated to the Sec-  
23 retary for fiscal year 1999 borrowing authority, and  
24 the Secretary shall borrow, under the same terms  
25 and conditions noted in this subsection, in an

1 amount sufficient to cover those obligations which  
2 the Army Corps of Engineers is required to incur in  
3 carrying out capital improvements that year for the  
4 Washington Aqueduct to ensure continued oper-  
5 ations until the transfer contemplated in subsection  
6 (b) has taken place, provided that this borrowing  
7 shall not exceed \$22,000,000 in fiscal year 1999;  
8 provided also that no such borrowings shall occur  
9 once such non-Federal public or private owner shall  
10 have been established and achieved the capacity to  
11 borrow on its own.

12 (4) IMPACT ON IMPROVEMENT PROGRAM.—Not  
13 later than 6 months after the date of enactment of  
14 this Act, the Secretary, in consultation with other  
15 Federal agencies, shall transmit to the Committee  
16 on Environment and Public Works in the Senate  
17 and the Committee on Transportation and Infra-  
18 structure in the House of Representatives a report  
19 that assesses the impact of the borrowing authority  
20 referred to in this subsection on the near term im-  
21 provement projects in the Washington Aqueduct Im-  
22 provement Program, work scheduled during this pe-  
23 riod and the financial liability to be incurred.

24 (f) DELAYED REISSUANCE OF NPDES PERMIT.—In  
25 recognition of more efficient water-facility configurations

1 that might be achieved through various possible ownership  
2 transfers of the Washington Aqueduct, the United States  
3 Environmental Protection Agency shall delay the reissu-  
4 ance of the NPDES permit for the Washington Aqueduct  
5 until Federal fiscal year 1999.

6 **SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
7 **TION AND PROTECTION PROGRAM.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—The Secretary shall establish  
10 a pilot program to provide environmental assistance  
11 to non-Federal interests in the Chesapeake Bay wa-  
12 tershed.

13 (2) FORM.—The assistance shall be in the form  
14 of design and construction assistance for water-relat-  
15 ed environmental infrastructure and resource protec-  
16 tion and development projects affecting the Chesa-  
17 peake Bay estuary, including projects for sediment  
18 and erosion control, protection of eroding shorelines,  
19 protection of essential public works, wastewater  
20 treatment and related facilities, water supply and re-  
21 lated facilities, and beneficial uses of dredged mate-  
22 rial, and other related projects that may enhance the  
23 living resources of the estuary.

24 (b) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
25 retary may provide assistance for a project under this sec-

1 tion only if the project is publicly owned, and will be pub-  
2 licly operated and maintained.

3 (c) LOCAL COOPERATION AGREEMENT.—

4 (1) IN GENERAL.—Before providing assistance  
5 under this section, the Secretary shall enter into a  
6 local cooperation agreement with a non-Federal in-  
7 terest to provide for design and construction of the  
8 project to be carried out with the assistance.

9 (2) REQUIREMENTS.—Each local cooperation  
10 agreement entered into under this subsection shall  
11 provide for—

12 (A) the development by the Secretary, in  
13 consultation with appropriate Federal, State,  
14 and local officials, of a facilities or resource  
15 protection and development plan, including ap-  
16 propriate engineering plans and specifications  
17 and an estimate of expected resource benefits;  
18 and

19 (B) the establishment of such legal and in-  
20 stitutional structures as are necessary to ensure  
21 the effective long-term operation and mainte-  
22 nance of the project by the non-Federal inter-  
23 est.

24 (d) COST SHARING.—

1           (1) FEDERAL SHARE.—Except as provided in  
2 paragraph (2)(B), the Federal share of the total  
3 project costs of each local cooperation agreement en-  
4 tered into under this section shall be 75 percent.

5           (2) NON-FEDERAL SHARE.—

6           (A) VALUE OF LANDS, EASEMENTS,  
7 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
8 mining the non-Federal contribution toward  
9 carrying out a local cooperation agreement en-  
10 tered into under this section, the Secretary  
11 shall provide credit to a non-Federal interest  
12 for the value of lands, easements, rights-of-way,  
13 and relocations provided by the non-Federal in-  
14 terest, except that the amount of credit pro-  
15 vided for a project under this paragraph may  
16 not exceed 25 percent of the total project costs.

17           (B) OPERATION AND MAINTENANCE  
18 COSTS.—The non-Federal share of the costs of  
19 operation and maintenance of carrying out the  
20 agreement under this section shall be 100 per-  
21 cent.

22           (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
23 LAWS AND AGREEMENTS.—

24           (1) IN GENERAL.—Nothing in this section  
25 waives, limits, or otherwise affects the applicability

1 of any provision of Federal or State law that would  
2 otherwise apply to a project carried out with assist-  
3 ance provided under this section.

4 (2) COOPERATION.—In carrying out this sec-  
5 tion, the Secretary shall cooperate fully with the  
6 heads of appropriate Federal agencies, including—

7 (A) the Administrator of the Environ-  
8 mental Protection Agency;

9 (B) the Secretary of Commerce, acting  
10 through the Administrator of the National Oce-  
11 anic and Atmospheric Administration;

12 (C) the Secretary of the Interior, acting  
13 through the Director of the United States Fish  
14 and Wildlife Service; and

15 (D) the heads of such other Federal agen-  
16 cies and agencies of a State or political subdivi-  
17 sion of a State as the Secretary determines to  
18 be appropriate.

19 (f) DEMONSTRATION PROJECT.—The Secretary shall  
20 establish at least 1 project under this section in each of  
21 the States of Maryland, Virginia, and Pennsylvania. A  
22 project established under this section shall be carried out  
23 using such measures as are necessary to protect environ-  
24 mental, historic, and cultural resources.

1 (g) REPORT.—Not later than December 31, 1998,  
2 the Secretary shall transmit to Congress a report on the  
3 results of the program carried out under this section, to-  
4 gether with a recommendation concerning whether or not  
5 the program should be implemented on a national basis.

6 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 \$10,000,000, to remain available until expended.

9 **SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IM-**  
10 **PROVE SALMON SURVIVAL.**

11 (a) SALMON SURVIVAL ACTIVITIES.—

12 (1) IN GENERAL.—The Secretary shall acceler-  
13 ate ongoing research and development activities, and  
14 is authorized to carry out or participate in additional  
15 research and development activities, for the purpose  
16 of developing innovative methods and technologies  
17 for improving the survival of salmon, especially  
18 salmon in the Columbia River Basin.

19 (2) ACCELERATED ACTIVITIES.—Accelerated re-  
20 search and development activities referred to in  
21 paragraph (1) may include research and develop-  
22 ment related to—

23 (A) impacts from water resources projects  
24 and other impacts on salmon life cycles;

25 (B) juvenile and adult salmon passage;

- 1 (C) light and sound guidance systems;  
2 (D) surface-oriented collector systems;  
3 (E) transportation mechanisms; and  
4 (F) dissolved gas monitoring and abate-  
5 ment.

6 (3) ADDITIONAL ACTIVITIES.—Additional re-  
7 search and development activities referred to in  
8 paragraph (1) may include research and develop-  
9 ment related to—

- 10 (A) marine mammal predation on salmon;  
11 (B) studies of juvenile salmon survival in  
12 spawning and rearing areas;  
13 (C) estuary and near-ocean juvenile and  
14 adult salmon survival;  
15 (D) impacts on salmon life cycles from  
16 sources other than water resources projects;  
17 and  
18 (E) other innovative technologies and ac-  
19 tions intended to improve fish survival, includ-  
20 ing the survival of resident fish.

21 (4) COORDINATION.—The Secretary shall co-  
22 ordinate any activities carried out under this sub-  
23 section with appropriate Federal, State, and local  
24 agencies, affected Indian tribes, and the Northwest  
25 Power Planning Council.

1           (5) REPORT.—Not later than 3 years after the  
2           date of enactment of this Act, the Secretary shall  
3           transmit to Congress a report on the research and  
4           development activities carried out under this sub-  
5           section, including any recommendations of the Sec-  
6           retary concerning the research and development ac-  
7           tivities.

8           (6) AUTHORIZATION OF APPROPRIATIONS.—  
9           There are authorized to be appropriated  
10          \$10,000,000 to carry out research and development  
11          activities under subparagraphs (A) through (C) of  
12          paragraph (3).

13          (b) ADVANCED TURBINE DEVELOPMENT.—

14           (1) IN GENERAL.—In conjunction with the Sec-  
15          retary of Energy, the Secretary shall accelerate ef-  
16          forts toward developing innovative, efficient, and en-  
17          vironmentally safe hydropower turbines, including  
18          design of “fish-friendly” turbines, for use on the Co-  
19          lumbia River hydro system.

20           (2) AUTHORIZATION OF APPROPRIATIONS.—  
21          There are authorized to be appropriated  
22          \$12,000,000 to carry out this subsection.

23          (c) IMPLEMENTATION.—Nothing in this section af-  
24          fects the authority of the Secretary to implement the re-

1 sults of the research and development carried out under  
2 this section or any other law.

3 **SEC. 332. RECREATIONAL USER FEES.**

4 (a) IN GENERAL.—Section 210(b)(4) of the Flood  
5 Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended  
6 by inserting before the period at the end the following:  
7 “and, subject to the availability of appropriations, shall  
8 be used for the purposes specified in section 4(i)(3) of the  
9 Act at the water resources development project at which  
10 the fees were collected”.

11 (b) REPORT.—Not later than 90 days after the date  
12 of enactment of this Act, the Secretary shall prepare and  
13 submit to the Committee on Environment and Public  
14 Works of the Senate and the Committee on Transpor-  
15 tation and Infrastructure of the House of Representatives  
16 a report, with respect to fiscal year 1995, on—

17 (1) the amount of day-use fees collected under  
18 section 210(b) of the Flood Control Act of 1968 (16  
19 U.S.C. 460d–3(b)) at each water resources develop-  
20 ment project; and

21 (2) the administrative costs associated with the  
22 collection of the day-use fees at each water resources  
23 development project.

1 **SEC. 333. SHORE PROTECTION.**

2 (a) IN GENERAL.—Subsection (a) of the first section  
3 of the Act of August 13, 1946 (60 Stat. 1056, chapter  
4 960; 33 U.S.C. 426e(a)), is amended—

5 (1) by striking “damage to the shores” and in-  
6 sserting “damage to the shores and beaches”; and

7 (2) by striking “the following provisions” and  
8 all that follows through the period at the end and  
9 inserting the following: “this Act, to promote shore  
10 protection projects and related research that encour-  
11 age the protection, restoration, and enhancement of  
12 sandy beaches, including beach restoration and peri-  
13 odic beach nourishment, on a comprehensive and co-  
14 ordinated basis by the Federal Government, States,  
15 localities, and private enterprises. In carrying out  
16 this policy, preference shall be given to areas in  
17 which there has been a Federal investment of funds  
18 and areas with respect to which the need for preven-  
19 tion or mitigation of damage to shores and beaches  
20 is attributable to Federal navigation projects or  
21 other Federal activities.”.

22 (b) DEFINITION OF SHORE PROTECTION  
23 PROJECT.—Section 4 of the Act of August 13, 1946 (60  
24 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—



1 line erosion control development and demonstration  
2 program established under this section.

3 “(2) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of the Army, acting through the Chief  
5 of Engineers of the Army Corps of Engineers.

6 “(b) ESTABLISHMENT OF EROSION CONTROL PRO-  
7 GRAM.—The Secretary shall establish and conduct a na-  
8 tional shoreline erosion control development and dem-  
9 onstration program for a period of 8 years beginning on  
10 the date that funds are made available to carry out this  
11 section.

12 “(c) REQUIREMENTS.—

13 “(1) IN GENERAL.—The erosion control pro-  
14 gram shall include provisions for—

15 “(A) demonstration projects consisting of  
16 planning, designing, and constructing prototype  
17 engineered and vegetative shoreline erosion con-  
18 trol devices and methods during the first 5  
19 years of the erosion control program;

20 “(B) adequate monitoring of the proto-  
21 types throughout the duration of the erosion  
22 control program;

23 “(C) detailed engineering and environ-  
24 mental reports on the results of each dem-

1           onstration project carried out under the erosion  
2           control program; and

3           “(D) technology transfers to private prop-  
4           erty owners and State and local entities.

5           “(2) EMPHASIS.—The demonstration projects  
6           carried out under the erosion control program shall  
7           emphasize, to the extent practicable—

8           “(A) the development and demonstration  
9           of innovative technologies;

10          “(B) efficient designs to prevent erosion at  
11          a shoreline site, taking into account the life-  
12          cycle cost of the design, including cleanup,  
13          maintenance, and amortization;

14          “(C) natural designs, including the use of  
15          vegetation or temporary structures that mini-  
16          mize permanent structural alterations;

17          “(D) the avoidance of negative impacts to  
18          adjacent shorefront communities;

19          “(E) in areas with substantial residential  
20          or commercial interests adjacent to the shore-  
21          line, designs that do not impair the aesthetic  
22          appeal of the interests;

23          “(F) the potential for long-term protection  
24          afforded by the technology; and

1           “(G) recommendations developed from  
2           evaluations of the original 1974 program estab-  
3           lished under the Shoreline Erosion Control  
4           Demonstration Act of 1974 (section 54 of Pub-  
5           lic Law 93–251; 42 U.S.C. 1962d–5 note), in-  
6           cluding—

7                   “(i) adequate consideration of the  
8                   subgrade;

9                   “(ii) proper filtration;

10                   “(iii) durable components;

11                   “(iv) adequate connection between  
12                   units; and

13                   “(v) consideration of additional rel-  
14                   evant information.

15           “(3) SITES.—

16                   “(A) IN GENERAL.—Each demonstration  
17                   project under the erosion control program shall  
18                   be carried out at a privately owned site with  
19                   substantial public access, or a publicly owned  
20                   site, on open coast or on tidal waters.

21                   “(B) SELECTION.—The Secretary shall de-  
22                   velop criteria for the selection of sites for the  
23                   demonstration projects, including—

24                           “(i) a variety of geographical and cli-  
25                           matic conditions;

1           “(ii) the size of the population that is  
2           dependent on the beaches for recreation,  
3           protection of homes, or commercial inter-  
4           ests;

5           “(iii) the rate of erosion;

6           “(iv) significant natural resources or  
7           habitats and environmentally sensitive  
8           areas; and

9           “(v) significant threatened historic  
10          structures or landmarks.

11          “(C) AREAS.—Demonstration projects  
12          under the erosion control program shall be car-  
13          ried out at not fewer than 2 sites on each of the  
14          shorelines of—

15                 “(i) the Atlantic, Gulf, and Pacific  
16                 coasts;

17                 “(ii) the Great Lakes; and

18                 “(iii) the State of Alaska.

19          “(d) COOPERATION.—

20                 “(1) PARTIES.—The Secretary shall carry out  
21          the erosion control program in cooperation with—

22                         “(A) the Secretary of Agriculture, particu-  
23                         larly with respect to vegetative means of pre-  
24                         venting and controlling shoreline erosion;

25                         “(B) Federal, State, and local agencies;

1           “(C) private organizations;

2           “(D) the Coastal Engineering Research  
3           Center established under the first section of  
4           Public Law 88–172 (33 U.S.C. 426–1); and

5           “(E) university research facilities.

6           “(2) AGREEMENTS.—The cooperation described  
7           in paragraph (1) may include entering into agree-  
8           ments with other Federal, State, or local agencies or  
9           private organizations to carry out functions de-  
10          scribed in subsection (c)(1) when appropriate.

11          “(e) REPORT.—Not later than 60 days after the con-  
12          clusion of the erosion control program, the Secretary shall  
13          prepare and submit an erosion control program final re-  
14          port to the Committee on Environment and Public Works  
15          of the Senate and the Committee on Transportation and  
16          Infrastructure of the House of Representatives. The re-  
17          port shall include a comprehensive evaluation of the ero-  
18          sion control program and recommendations regarding the  
19          continuation of the erosion control program.

20          “(f) FUNDING.—

21                  “(1) IN GENERAL.—Subject to paragraph (2),  
22                  the Federal share of the cost of a demonstration  
23                  project under the erosion control program shall be  
24                  determined in accordance with section 3.



1 “(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

2 “(1) IN GENERAL.—The construction of all  
3 dredged material disposal facilities associated with  
4 Federal navigation projects for harbors and inland  
5 harbors, including diking and other improvements  
6 necessary for the proper disposal of dredged mate-  
7 rial, shall be considered to be general navigation fea-  
8 tures of the projects and shall be cost-shared in ac-  
9 cordance with subsection (a).

10 “(2) COST SHARING FOR OPERATION AND  
11 MAINTENANCE.—

12 “(A) IN GENERAL.—The Federal share of  
13 the cost of operation and maintenance of each  
14 disposal facility to which paragraph (1) applies  
15 shall be determined in accordance with sub-  
16 section (b).

17 “(B) SOURCE OF FEDERAL SHARE.—The  
18 Federal share of the cost of construction of  
19 dredged material disposal facilities associated  
20 with the operation and maintenance of Federal  
21 navigation projects for harbors and inland har-  
22 bors shall be—

23 “(i) considered to be eligible operation  
24 and maintenance costs for the purpose of  
25 section 210(a); and

1           “(ii) paid with sums appropriated out  
2           of the Harbor Maintenance Trust Fund es-  
3           tablished by section 9505 of the Internal  
4           Revenue Code of 1986.

5           “(3) APPORTIONMENT OF FUNDING.—The Sec-  
6           retary shall ensure, to the extent practicable, that—

7           “(A) funding requirements for operation  
8           and maintenance dredging of commercial navi-  
9           gation harbors are considered fully before Fed-  
10          eral funds are obligated for payment of the  
11          Federal share of costs associated with the con-  
12          struction of dredged material disposal facilities  
13          under paragraph (1); and

14          “(B) funds expended for such construction  
15          are equitably apportioned in accordance with re-  
16          gional needs.

17          “(4) APPLICABILITY.—

18          “(A) IN GENERAL.—This subsection shall  
19          apply to the construction of any dredged mate-  
20          rial disposal facility for which a contract for  
21          construction has not been awarded on or before  
22          the date of enactment of this subsection.

23          “(B) AMENDMENT OF EXISTING AGREE-  
24          MENTS.—The Secretary may, with the consent  
25          of the non-Federal interest, amend a project co-

1 operation agreement executed before the date of  
2 enactment of this subsection to reflect para-  
3 graph (1) with respect to any dredged material  
4 disposal facility for which a contract for con-  
5 struction has not been awarded as of that date.

6 “(5) NON-FEDERAL SHARE OF COSTS.—Noth-  
7 ing in this subsection shall impose, increase, or re-  
8 sult in the increase of the non-Federal share of the  
9 costs of any existing dredged material disposal facil-  
10 ity authorized to be provided before the date of en-  
11 actment of this subsection.”.

12 (b) DEFINITION OF ELIGIBLE OPERATIONS AND  
13 MAINTENANCE.—Section 214(2)(A) of the Water Re-  
14 sources Development Act of 1986 (33 U.S.C. 2241(2)(A))  
15 is amended by inserting before the period at the end the  
16 following: “, dredging and disposal of contaminated sedi-  
17 ments that are in or that affect the maintenance of a Fed-  
18 eral navigation channel, mitigation for storm damage and  
19 environmental impacts resulting from a Federal mainte-  
20 nance activity, and operation and maintenance of a  
21 dredged material disposal facility”.

22 **SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.**

23 Section 103(e)(1) of the Water Resources Develop-  
24 ment Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by  
25 adding at the end the following: “For the purpose of the

1 preceding sentence, physical construction shall be consid-  
2 ered to be initiated on the date of the award of a construc-  
3 tion contract.”.

4 **SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER**  
5 **PROJECT.**

6 (a) IN GENERAL.—The last sentence of section  
7 215(a) of the Flood Control Act of 1968 (42 U.S.C.  
8 1962d–5a(a)) is amended—

9 (1) by striking “\$3,000,000” and inserting  
10 “\$5,000,000”; and

11 (2) by striking the second period at the end.

12 (b) MODIFICATION OF REIMBURSEMENT LIMITATION  
13 FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding  
14 the last sentence of section 215(a) of the Flood Control  
15 Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement  
16 executed on November 7, 1992, by the Secretary and the  
17 San Antonio River Authority, Texas, the Secretary shall  
18 reimburse the San Antonio River Authority in an amount  
19 not to exceed a total of \$5,000,000 for the work carried  
20 out by the Authority under the agreement, including any  
21 amounts paid to the Authority under the terms of the  
22 agreement before the date of enactment of this Act.

1 **SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING RE-**  
2 **QUIREMENT.**

3       The first sentence of section 221(a) of the Flood Con-  
4 trol Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by  
5 inserting before the period at the end the following: “, ex-  
6 cept that no such agreement shall be required if the Sec-  
7 retary determines that the administrative costs associated  
8 with negotiating, executing, or administering the agree-  
9 ment would exceed the amount of the contribution re-  
10 quired from the non-Federal interest”.

11 **SEC. 340. PLANNING ASSISTANCE TO STATES.**

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

14           (1) in subsection (a), by inserting “, water-  
15 sheds, and ecosystems” after “basins”;

16           (2) in subsection (b)—

17               (A) by striking paragraph (2); and

18               (B) by redesignating paragraphs (3) and

19           (4) as paragraphs (2) and (3), respectively; and

20           (3) in subsection (c)—

21               (A) by striking “\$6,000,000” and inserting

22           “\$10,000,000”; and

23               (B) by striking “\$300,000” and inserting

24           “\$500,000”.

1 **SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARD-**  
2 **OUS SUBSTANCES.**

3 Any amount recovered under section 107 of the Com-  
4 prehensive Environmental Response, Compensation, and  
5 Liability Act of 1980 (42 U.S.C. 9607) for any response  
6 action taken by the Secretary in support of the civil works  
7 program of the Army Corps of Engineers, and any amount  
8 recovered by the Secretary from a contractor, insurer, sur-  
9 ety, or other person to reimburse the Secretary for any  
10 expenditure for environmental response activities in sup-  
11 port of the civil works program, shall be credited to the  
12 trust fund account to which the cost of the response action  
13 has been or will be charged.

14 **SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.**

15 Section 9147 of the Department of Defense Appro-  
16 priations Act, 1993 (Public Law 102-396; 106 Stat.  
17 1940), is amended to read as follows:

18 **“SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.**

19 “(a) CONVEYANCES.—

20 “(1) IN GENERAL.—The project for Bonneville  
21 Lock and Dam, Columbia River, Oregon and Wash-  
22 ington, authorized by the Act of August 20, 1937  
23 (commonly known as the ‘Bonneville Project Act of  
24 1937’) (50 Stat. 731, chapter 720; 16 U.S.C. 832  
25 et seq.), and modified by section 83 of the Water  
26 Resources Development Act of 1974 (Public Law

1 93–251; 88 Stat. 35), is further modified to author-  
2 ize the Secretary of the Army to convey to the city  
3 of North Bonneville, Washington (referred to in this  
4 section as the ‘city’), at no further cost to the city,  
5 all right, title, and interest of the United States in  
6 and to—

7 “(A) any municipal facilities, utilities, fix-  
8 tures, and equipment for the relocated city, and  
9 any remaining lands designated as open spaces  
10 or municipal lots not previously conveyed to the  
11 city, specifically Lots M1 through M15, M16  
12 (known as the ‘community center lot’), M18,  
13 M19, M22, M24, S42 through S45, and S52  
14 through S60, as shown on the plats of  
15 Skamania County, Washington;

16 “(B) the lot known as the ‘school lot’ and  
17 shown as Lot 2, Block 5, on the plats of relo-  
18 cated North Bonneville, recorded in Skamania  
19 County, Washington;

20 “(C) Parcels 2 and C, but only on the  
21 completion of any environmental response ac-  
22 tivities required under applicable law;

23 “(D) that portion of Parcel B lying south  
24 of the city boundary, west of the sewage treat-  
25 ment plant, and north of the drainage ditch

1 that is located adjacent to the northerly limit of  
2 the Hamilton Island landfill, if the Secretary of  
3 the Army determines, at the time of the pro-  
4 posed conveyance, that the Department of the  
5 Army has taken all actions necessary to protect  
6 human health and the environment;

7 “(E) such portions of Parcel H as can be  
8 conveyed without a requirement for further in-  
9 vestigation, inventory, or other action by the  
10 Secretary of the Army under the National His-  
11 toric Preservation Act (16 U.S.C. 470 et seq.);  
12 and

13 “(F) such easements as the Secretary of  
14 the Army considers necessary for—

15 “(i) sewer and water line crossings of  
16 relocated Washington State Highway 14;  
17 and

18 “(ii) reasonable public access to the  
19 Columbia River across such portions of  
20 Hamilton Island as remain in the owner-  
21 ship of the United States.

22 “(2) TIMING OF CONVEYANCES.—The convey-  
23 ances described in subparagraphs (A), (B), (E), and  
24 (F)(i) of paragraph (1) shall be completed not later  
25 than 180 days after the United States receives the

1 release described in subsection (b)(2). All other con-  
2 veyances shall be completed expeditiously, subject to  
3 any conditions specified in the applicable subpara-  
4 graph of paragraph (1).

5 “(b) EFFECT OF CONVEYANCES.—

6 “(1) CONGRESSIONAL INTENT.—The convey-  
7 ances authorized by subsection (a) are intended to  
8 resolve all outstanding issues between the United  
9 States and the city.

10 “(2) ACTION BY CITY BEFORE CONVEY-  
11 ANCES.—As prerequisites to the conveyances, the  
12 city shall—

13 “(A) execute an acknowledgment of pay-  
14 ment of just compensation;

15 “(B) execute a release of all claims for re-  
16 lief of any kind against the United States aris-  
17 ing from the relocation of the city or any Fed-  
18 eral statute enacted before the date of enact-  
19 ment of this subparagraph relating to the city;  
20 and

21 “(C) dismiss, with prejudice, any pending  
22 litigation involving matters described in sub-  
23 paragraph (B).

24 “(3) ACTION BY ATTORNEY GENERAL.—On re-  
25 ceipt of the city’s acknowledgment and release de-

1 scribed in paragraph (2), the Attorney General  
2 shall—

3 “(A) dismiss any pending litigation arising  
4 from the relocation of the city; and

5 “(B) execute a release of all rights to dam-  
6 ages of any kind (including any interest on the  
7 damages) under *Town of North Bonneville,*  
8 *Washington v. United States*, 11 Cl. Ct. 694,  
9 *aff’d in part and rev’d in part*, 833 F.2d 1024  
10 (Fed. Cir. 1987), *cert. denied*, 485 U.S. 1007  
11 (1988).

12 “(4) ACTION BY CITY AFTER CONVEYANCES.—  
13 Not later than 60 days after the conveyances au-  
14 thorized by subparagraphs (A) through (F)(i) of  
15 subsection (a)(1) have been completed, the city  
16 shall—

17 “(A) execute an acknowledgment that all  
18 entitlements to the city under the subpara-  
19 graphs have been fulfilled; and

20 “(B) execute a release of all claims for re-  
21 lief of any kind against the United States aris-  
22 ing from this section.

23 “(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—  
24 Beginning on the date of enactment of paragraph (1), the  
25 city or any successor in interest to the city—

1           “(1) shall be precluded from exercising any ju-  
2           risdiction over any land owned in whole or in part  
3           by the United States and administered by the Army  
4           Corps of Engineers in connection with the Bonne-  
5           ville project; and

6           “(2) may change the zoning designations of,  
7           sell, or resell Parcels S35 and S56, which are des-  
8           ignated as open spaces as of the date of enactment  
9           of this paragraph.”.

10 **SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.**

11           Section 401(a) of Public Law 100–581 (102 Stat.  
12 2944) is amended—

13           (1) by striking “(a) All Federal” and all that  
14           follows through “Columbia River Gorge Commis-  
15           sion” and inserting the following:

16           “(a) EXISTING FEDERAL LANDS.—

17           “(1) IN GENERAL.—All Federal lands that are  
18           included within the 20 recommended treaty fishing  
19           access sites set forth in the publication of the Army  
20           Corps of Engineers entitled ‘Columbia River Treaty  
21           Fishing Access Sites Post Authorization Change Re-  
22           port’, dated April 1995,”; and

23           (2) by adding at the end the following:

24           “(2) BOUNDARY ADJUSTMENTS.—The Sec-  
25           retary of the Army, in consultation with affected

1 tribes, may make such minor boundary adjustments  
2 to the lands referred to in paragraph (1) as the Sec-  
3 retary determines are necessary to carry out this  
4 title.”.

5 **SEC. 344. TRI-CITIES AREA, WASHINGTON.**

6 (a) GENERAL AUTHORITY.—As soon as practicable  
7 after the date of enactment of this Act, the Secretary shall  
8 make the conveyances to the local governments referred  
9 to in subsection (b) of all right, title, and interest of the  
10 United States in and to the property described in sub-  
11 section (b).

12 (b) PROPERTY DESCRIPTIONS.—

13 (1) BENTON COUNTY, WASHINGTON.—The  
14 property to be conveyed under subsection (a) to  
15 Benton County, Washington, is the property in the  
16 county that is designated “Area D” on Exhibit A to  
17 Army Lease No. DACW-68-1-81-43.

18 (2) FRANKLIN COUNTY, WASHINGTON.—The  
19 property to be conveyed under subsection (a) to  
20 Franklin County, Washington, is—

21 (A) the 105.01 acres of property leased  
22 under Army Lease No. DACW-68-1-77-20 as  
23 executed by Franklin County, Washington, on  
24 April 7, 1977;

1 (B) the 35 acres of property leased under  
2 Supplemental Agreement No. 1 to Army Lease  
3 No. DACW-68-1-77-20;

4 (C) the 20 acres of property commonly  
5 known as “Richland Bend” that is designated  
6 by the shaded portion of Lot 1, Section 11, and  
7 the shaded portion of Lot 1, Section 12, Town-  
8 ship 9 North, Range 28 East, W.M. on Exhibit  
9 D to Supplemental Agreement No. 2 to Army  
10 Lease No. DACW-68-1-77-20;

11 (D) the 7.05 acres of property commonly  
12 known as “Taylor Flat” that is designated by  
13 the shaded portion of Lot 1, Section 13, Town-  
14 ship 11 North, Range 28 East, W.M. on Ex-  
15 hibit D to Supplemental Agreement No. 2 to  
16 Army Lease No. DACW-68-1-77-20;

17 (E) the 14.69 acres of property commonly  
18 known as “Byers Landing” that is designated  
19 by the shaded portion of Lots 2 and 3, Section  
20 2, Township 10 North, Range 28 East, W.M.  
21 on Exhibit D to Supplemental Agreement No.  
22 2 to Army Lease No. DACW-68-1-77-20; and

23 (F) all levees in Franklin County, Wash-  
24 ington, as of the date of enactment of this Act,

1           and the property on which the levees are situ-  
2           ated.

3           (3) CITY OF KENNEWICK, WASHINGTON.—The  
4           property to be conveyed under subsection (a) to the  
5           city of Kennewick, Washington, is the property in  
6           the city that is subject to the Municipal Sublease  
7           Agreement entered into on April 6, 1989, between  
8           Benton County, Washington, and the cities of  
9           Kennewick and Richland, Washington.

10          (4) CITY OF RICHLAND, WASHINGTON.—The  
11          property to be conveyed under subsection (a) to the  
12          city of Richland, Washington, is the property in the  
13          city that is subject to the Municipal Sublease Agree-  
14          ment entered into on April 6, 1989, between Benton  
15          County, Washington, and the cities of Kennewick  
16          and Richland, Washington.

17          (5) CITY OF PASCO, WASHINGTON.—The prop-  
18          erty to be conveyed under subsection (a) to the city  
19          of Pasco, Washington, is—

20                 (A) the property in the city of Pasco,  
21                 Washington, that is leased under Army Lease  
22                 No. DACW-68-1-77-10; and

23                 (B) all levees in the city, as of the date of  
24                 enactment of this Act, and the property on  
25                 which the levees are situated.

1           (6) PORT OF PASCO, WASHINGTON.—The prop-  
2 erty to be conveyed under subsection (a) to the Port  
3 of Pasco, Washington, is—

4           (A) the property owned by the United  
5 States that is south of the Burlington Northern  
6 Railroad tracks in Lots 1 and 2, Section 20,  
7 Township 9 North, Range 31 East, W.M.; and

8           (B) the property owned by the United  
9 States that is south of the Burlington Northern  
10 Railroad tracks in Lots 1, 2, 3, and 4, in each  
11 of Sections 21, 22, and 23, Township 9 North,  
12 Range 31 East, W.M.

13           (7) ADDITIONAL PROPERTIES.—In addition to  
14 properties described in paragraphs (1) through (6),  
15 the Secretary may convey to a local government re-  
16 ferred to in any of paragraphs (1) through (6) such  
17 properties under the jurisdiction of the Secretary in  
18 the Tri-Cities area as the Secretary and the local  
19 government agree are appropriate for conveyance.

20           (c) TERMS AND CONDITIONS.—

21           (1) IN GENERAL.—The conveyances under sub-  
22 section (a) shall be subject to such terms and condi-  
23 tions as the Secretary considers necessary and ap-  
24 propriate to protect the interests of the United  
25 States.

1           (2) SPECIAL RULES FOR FRANKLIN COUNTY.—

2           The property described in subsection (b)(2)(F) shall  
3           be conveyed only after Franklin County, Washing-  
4           ton, enters into a written agreement with the Sec-  
5           retary that provides that the United States shall  
6           continue to operate and maintain the flood control  
7           drainage areas and pump stations on the property  
8           conveyed and that the United States shall be pro-  
9           vided all easements and rights necessary to carry out  
10          the agreement.

11          (3) SPECIAL RULE FOR CITY OF PASCO.—The

12          property described in subsection (b)(5)(B) shall be  
13          conveyed only after the city of Pasco, Washington,  
14          enters into a written agreement with the Secretary  
15          that provides that the United States shall continue  
16          to operate and maintain the flood control drainage  
17          areas and pump stations on the property conveyed  
18          and that the United States shall be provided all  
19          easements and rights necessary to carry out the  
20          agreement.

21          (4) CONSIDERATION.—

22                 (A) ADMINISTRATIVE COSTS.—A local gov-  
23                 ernment to which property is conveyed under  
24                 this section shall pay all administrative costs  
25                 associated with the conveyance.

1           (B) PARK AND RECREATION PROP-  
2           ERTIES.—Properties to be conveyed under this  
3           section that will be retained in public ownership  
4           and used for public park and recreation pur-  
5           poses shall be conveyed without consideration.  
6           If any such property is no longer used for pub-  
7           lic park and recreation purposes, title to the  
8           property shall revert to the United States.

9           (C) OTHER PROPERTIES.—Properties to be  
10          conveyed under this section and not described  
11          in subparagraph (B) shall be conveyed at fair  
12          market value.

13         (d) LAKE WALLULA LEVEES.—

14           (1) DETERMINATION OF MINIMUM SAFE  
15           HEIGHT.—

16           (A) CONTRACT.—Not later than 30 days  
17           after the date of enactment of this Act, the Sec-  
18           retary shall contract with a private entity  
19           agreed to under subparagraph (B) to deter-  
20           mine, not later than 180 days after the date of  
21           enactment of this Act, the minimum safe height  
22           for the levees of the project for flood control,  
23           Lake Wallula, Washington. The Secretary shall  
24           have final approval of the minimum safe height.

1 (B) AGREEMENT OF LOCAL OFFICIALS.—A  
 2 contract shall be entered into under subpara-  
 3 graph (A) only with a private entity agreed to  
 4 by the Secretary, appropriate representatives of  
 5 Franklin County, Washington, and appropriate  
 6 representatives of the city of Pasco, Washing-  
 7 ton.

8 (2) AUTHORITY.—A local government may re-  
 9 duce, at its cost, the height of any levee of the  
 10 project for flood control, Lake Wallula, Washington,  
 11 within the boundaries of the area under the jurisdic-  
 12 tion of the local government to a height not lower  
 13 than the minimum safe height determined under  
 14 paragraph (1).

15 **SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TEN-**  
 16 **NESSEE-TOMBIGBEE WATERWAY.**

17 (a) IN GENERAL.—The following locks, and locks and  
 18 dams, on the Tennessee-Tombigbee Waterway, located in  
 19 the States of Alabama, Kentucky, Mississippi, and Ten-  
 20 nessee, are designated as follows:

21 (1) Gainesville Lock and Dam at Mile 266 des-  
 22 igned as Howell Heflin Lock and Dam.

23 (2) Columbus Lock and Dam at Mile 335 des-  
 24 igned as John C. Stennis Lock and Dam.

1           (3) The lock and dam at Mile 358 designated  
2 as Aberdeen Lock and Dam.

3           (4) Lock A at Mile 371 designated as Amory  
4 Lock.

5           (5) Lock B at Mile 376 designated as Glover  
6 Wilkins Lock.

7           (6) Lock C at Mile 391 designated as Fulton  
8 Lock.

9           (7) Lock D at Mile 398 designated as John  
10 Rankin Lock.

11           (8) Lock E at Mile 407 designated as G.V.  
12 “Sonny” Montgomery Lock.

13           (9) Bay Springs Lock and Dam at Mile 412  
14 designated as Jamie Whitten Lock and Dam.

15           (b) LEGAL REFERENCES.—A reference in any law,  
16 regulation, document, map, record, or other paper of the  
17 United States to a lock, or lock and dam, referred to in  
18 subsection (a) shall be deemed to be a reference to the  
19 designation for the lock, or lock and dam, provided in the  
20 subsection.

21 **SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATER-**  
22 **WAY.**

23           (a) IN GENERAL.—The portion of the Red River,  
24 Louisiana, from new river mile 0 to new river mile 235

1 shall be known and designated as the “J. Bennett John-  
2 ston Waterway”.

3 (b) REFERENCES.—Any reference in any law, regula-  
4 tion, document, map, record, or other paper of the United  
5 States to the portion of the Red River described in sub-  
6 section (a) shall be deemed to be a reference to the “J.  
7 Bennett Johnston Waterway”.

8 **SEC. 347. TECHNICAL CORRECTIONS.**

9 (a) CONTRIBUTIONS FOR ENVIRONMENTAL AND  
10 RECREATION PROJECTS.—Section 203(b) of the Water  
11 Resources Development Act of 1992 (33 U.S.C. 2325(b))  
12 is amended by striking “(8662)” and inserting “(8862)”.

13 (b) CHALLENGE COST-SHARING PROGRAM.—The  
14 second sentence of section 225(e) of the Act (33 U.S.C.  
15 2328(e)) is amended by striking “(8662)” and inserting  
16 “(8862)”.

Passed the Senate July 11, 1996.

Attest:

*Secretary.*

S 640 ES—2

S 640 ES—3

S 640 ES—4

S 640 ES—5

S 640 ES—6

S 640 ES—7

S 640 ES—8

S 640 ES—9

S 640 ES—10

S 640 ES—11

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 640**

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**AN ACT**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.