

CORPS OF ENGINEERS—CIVIL WORKS

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related purposes.

Federal Funds

General and special funds:

[OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)]

[For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), \$4,000,000.] (*Energy and Water Development Appropriations Act, 2005.*)

Program and Financing (in millions of dollars)

Identification code 96-3132-0-1-054	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 Direct Program Activity		4	
10.00 Total new obligations		4	
Budgetary resources available for obligation:			
22.00 New budget authority (gross)		4	
23.95 Total new obligations		-4	
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation		4	
Change in obligated balances:			
73.10 Total new obligations		4	
73.20 Total outlays (gross)		-4	
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority		4	
Net budget authority and outlays:			
89.00 Budget authority		4	
90.00 Outlays		4	

The 2006 Budget proposes to fund the Office of Assistant Secretary of the Army (Civil Works) in the Department of Defense Operation and Maintenance Army account.

Object Classification (in millions of dollars)

Identification code 96-3132-0-1-054	2004 actual	2005 est.	2006 est.
11.1 Personnel compensation: Full-time permanent		2	
12.1 Civilian personnel benefits		1	
23.2 Rental payments to others		1	
99.9 Total new obligations		4	

Personnel Summary

Identification code 96-3132-0-1-054	2004 actual	2005 est.	2006 est.
1001 Total compensable workyears: Civilian full-time equivalent employment		22	

CONSTRUCTION PROGRAM

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Direct program:			
General fund	1,605	1,638	1,444
Supplementals	19	63	
Rescission	-10	-14	
Flood Control and Coastal Emergencies Transfer	-3		
Transfer to Bureau of Indian Affairs	-1		
Harbor Maintenance Trust Fund	3	9	9
Inland Waterways Trust Fund	117	149	184
Rivers and harbors contributed funds (mandatory)	302	323	323
Total direct program	2,032	2,168	1,960
Reimbursable program	597	674	665
Total program	2,629	2,842	2,625

CONSTRUCTION [GENERAL]

For expenses necessary for the construction of river and harbor, flood [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those [for development with participation or under consideration for] involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, [\$1,796,089,000] \$1,637,000,000, to remain available until expended, of which \$35,000,000 is to enable the Corps to implement, in conjunction with the National Park Service, the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; of which \$200,000,000 is available only if the Secretary of the Army determines that the overall funding allocation among projects funded under this heading is substantially consistent with the performance budgeting guidelines set forth in the President's Budget; and of which such sums as are necessary to cover the Federal share of [construction costs for facilities under the Dredged Material Disposal Facilities program] the costs of the construction of dredged material disposal facilities that are necessary for the operation and maintenance of Federal coastal harbors and channels, and such sums as are necessary to cover all costs of mitigating for sand loss impacts on nearby shorelines resulting from Federal navigation operation and maintenance activities shall be derived from the Harbor Maintenance Trust Fund [as authorized by Public Law 104-303]; and of which such sums as are necessary [pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund,] to cover one-half of the costs of construction and rehabilitation of inland waterways projects[, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota)] shall be derived from the Inland Waterways Trust Fund[: Provided, That using \$12,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541: Provided further, That the Secretary of the Army is directed to accept advance funds, or any portion thereof, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Oakland Harbor, California, project authorized by section 101(a)(7) of Public Law 106-53: Provided fur-

General and special funds—Continued

CONSTRUCTION [, GENERAL]—Continued

ther, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$3,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaunalapau Harbor, Hawaii: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$3,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to complete construction of seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$9,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$15,000,000 of the funds appropriated herein to continue with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$8,750,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the False Pass, Alaska, project, in accordance with the Report of the Chief of Engineers, dated December 29, 2000: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Sand Point Harbor, Alaska project, in accordance with the Report of the Chief of Engineers, dated October 13, 1998, and the economic justification contained therein: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct modifications to the Federal navigation project at Thomsen Harbor, Sitka, Alaska, authorized by section 101 of the Water Resources Development Act of 1992: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall correct the design deficiency at Thomsen Harbor, Sitka, Alaska, by adding to, or extending, the existing breakwaters to reduce wave and swell motion within the harbor at an additional cost of \$1,000,000 at full Federal expense: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to continue the work to replace and upgrade the dam and all connections to the existing system at Kake, Alaska: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the

Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida, to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: *Provided further*, That using \$750,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and initiate reconstruction of the Cape Girardeau, Missouri, project, originally authorized by the Flood Control Act of 1950, at an estimated total cost of \$9,000,000, with cost sharing on the same basis as cost sharing for the project as originally authorized, if the Secretary determines that the reconstruction is technically sound and environmentally acceptable: *Provided further*, That the planned reconstruction shall be based on the most cost-effective engineering solution and shall require no further economic justification: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed without further delay with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137), and, of the \$8,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to \$5,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: *Provided further*, That the Secretary of the Army is directed to use \$1,365,000 of the funds appropriated herein to construct a project for flood control, Cass River, Spaulding Township, Michigan, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding that the benefits of the project may not exceed the estimated costs of the project: *Provided further*, That the non-Federal interest for the project shall receive credit towards its share of project costs in the amount of \$345,000 for work carried out by the non-Federal interest on the project prior to entering into a project cooperation agreement: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake and fund a demonstration project utilizing the Bidlocker system of escrowing contract bid documents: *Provided further*, That the system should provide a method of securing bidder documents prior to the award of the contracts, thus allowing the contractor to provide those documents to the Government in the case of disputes: *Provided further*, That the demonstration project should include use of the system on at least three contracts: *Provided further*, That a report on the results of the demonstration project shall be provided within 1 year of the date of enactment of this Act. (Energy and Water Development Appropriations Act, 2005.)

[For an additional amount for "Construction, General" for emergency expenses for repair of storm damage for authorized shore protection projects and assessment of project performance of such projects, \$62,600,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.] (Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96-3122-0-1-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.04 Projects specifically authorized by Congress	278	260	227
00.05 Projects not specifically authorized by Congress	11	6	7
00.09 Locks and dams	141	259	129
00.12 Projects specifically authorized by Congress	81	81	91
00.13 Projects not specifically authorized by Congress	7	4	5
00.16 Projects specifically authorized by Congress	488	453	390
00.17 Projects not specifically authorized by Congress	34	32	27
00.18 Emergency streambank and shoreline protection	13	10	8
00.22 Reservoirs	14	12	8
00.25 Multiple-purpose power projects	27	21	24
00.27 Navigation	36	33	27
00.28 Flood control	15	13	15

00.29	Multiple-purpose power projects	49	50	56
00.33	Employees' compensation	17	16	18
00.34	Environmental projects	351	361	312
00.35	Project modification for environmental restoration	24	21	21
00.36	Aquatic plant control	4	2	3
00.37	Aquatic ecosystems	33	25	4
00.39	Beneficial uses of dredged material	4	2	3
01.00	Direct program subtotal	1,627	1,661	1,375
09.00	Reimbursable program	749	640	434
10.00	Total new obligations	2,376	2,301	1,809
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	980	811	832
22.00	New budget authority (gross)	2,207	2,322	2,109
23.90	Total budgetary resources available for obligation	3,187	3,133	2,941
23.95	Total new obligations	-2,376	-2,301	-1,809
24.40	Unobligated balance carried forward, end of year	811	832	1,132
New budget authority (gross), detail:				
Discretionary:				
40.00	Appropriation	1,605	1,638	1,444
40.00	Appropriation (supplemental—PL 108-199)	19		
40.00	Appropriation (supplemental—PL 108-324)		63	
40.35	Appropriation permanently reduced	-10	-14	
41.00	Transferred to other accounts	-6		
42.00	Transferred from other accounts	2		
43.00	Appropriation (total discretionary)	1,610	1,687	1,444
Spending authority from offsetting collections:				
68.00	Offsetting collections (Cash)	898	635	665
68.10	Change in uncollected customer payments from Federal sources (unexpired)	-301		
68.90	Spending authority from offsetting collections (total discretionary)	597	635	665
70.00	Total new budget authority (gross)	2,207	2,322	2,109
Change in obligated balances:				
72.40	Obligated balance, start of year	-569	-328	-119
73.10	Total new obligations	2,376	2,301	1,809
73.20	Total outlays (gross)	-2,436	-2,092	-2,194
74.00	Change in uncollected customer payments from Federal sources (unexpired)	301		
74.40	Obligated balance, end of year	-328	-119	-504
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	1,508	1,393	1,265
86.93	Outlays from discretionary balances	928	699	929
87.00	Total outlays (gross)	2,436	2,092	2,194
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Federal sources	-172	-127	-133
88.40	Non-Federal sources	-726	-508	-532
88.90	Total, offsetting collections (cash)	-898	-635	-665
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	301		
Net budget authority and outlays:				
89.00	Budget authority	1,610	1,687	1,444
90.00	Outlays	1,538	1,457	1,529

This appropriation funds construction, major rehabilitation, and related activities for water resources projects whose principal purpose is to provide commercial navigation, flood and storm damage reduction, or aquatic ecosystem restoration benefits to the Nation. The Budget shows all activity financed through the Harbor Maintenance Trust Fund and the Inland Waterways Trust Fund as occurring in those accounts.

The budget for the construction account allocates funds based on the following seven performance-based guidelines, which improve the overall performance of the construction program by redirecting funds to high-performing projects,

eliminating the use of special continuing contract authorities, and limiting new construction starts.

1. *Funding distribution and project ranking.* (a) All ongoing construction projects, including those not previously funded in the budget, will be classified as being primarily in one of the following program-based categories: Coastal Navigation; Inland Navigation; Flood Damage Reduction; Storm Damage Reduction; Aquatic Ecosystem Restoration; or All Other (including the major rehabilitation of existing commercial navigation, flood damage reduction, and hydro-power facilities). (b) At least 70 percent of the construction budget will be allocated to projects in the first four of these categories. At least 5 percent of the construction budget will be allocated to "all other" work. The funding allocated for the construction of aquatic ecosystem restoration projects will not exceed 25 percent of the budget in the construction program. Changes to these percentages are, however, permitted under the seventh guideline. (c) Projects in all categories except aquatic ecosystem restoration will be ranked by their remaining benefits divided by their remaining costs (RBRC). All RBRCs will be calculated using a seven percent real discount rate, reflect the benefits and costs estimated in the most recent Corps design document, and account for the benefits already realized by partially completed projects. Aquatic ecosystem restoration projects will be ranked primarily based on the extent to which they cost-effectively address a significant regional or national aquatic ecological problem. (d) Dam safety, seepage, and static instability projects will be treated separately. They will receive the maximum level of funding that the Corps can spend efficiently in each fiscal year, including work that requires executing new contracts.

2. *Projects with very high RBRCs.* The budget will provide funds to accelerate work on the projects with the highest RBRCs within each category (or the most cost-effectiveness in addressing a significant regional or national aquatic ecological problem, for aquatic ecosystem restoration). Each of these projects will receive not less than 80 percent of the maximum level of funding that the Corps can spend efficiently in each fiscal year, including work that requires executing new contracts.

3. *New starts and resumptions.* The budget will provide funds to start new construction projects, and to resume work on projects on which the Corps has not performed any physical construction work during the past three consecutive fiscal years, only if the project would be ranked in the top 20 percent of the ongoing construction projects in its category that year and appears likely to continue to qualify for funding as a project with very high RBRC under the second guideline thereafter.

4. *Continuing contracts.* Except for projects considered for deferral, the budget will continue to support work under continuing contracts executed prior to 2006. From 2006 onward, the Corps will issue contracts based only on the kinds of authorities that are available to other Federal agencies. All new contracts will include clauses to minimize termination penalties, cap cancellation fees, and ensure that the Corps is able to limit the amount of work performed under each contract each year to stay within the overall funding provided for the project during the fiscal year. The Corps will also reduce out-year funding commitments by using contracts whose duration is limited to the period needed to achieve a substantial reduction in costs on the margin.

5. *Lower priority projects.* All projects with an RBRC below 3.0 will be considered for deferral, except for aquatic ecosystem restoration projects. Aquatic ecosystem restoration projects that do not primarily address a significant regional or national aquatic ecological problem and are less than 50 percent complete will be considered for deferral, except for those that are highly cost-effective in addressing

General and special funds—Continued

CONSTRUCTION[, GENERAL]—Continued

such problems. Where a project considered for deferral was previously funded, the budget will cover the cost of terminating or completing each ongoing contract, whichever is less.

6. *Redirection of funding.* Any budget year and all future year savings from the suspension of ongoing construction projects, after covering the cost of terminating or completing ongoing contracts, will be used to accelerate projects with very high RBRCs. The savings will be allocated to the projects with the highest RBRCs and the highest environmental returns in the construction program.

7. *Ten percent rule.* The budget may allocate up to a total of 10 percent of the available funding to ongoing construction projects regardless of the requirements stated above. However, this may not be used to start or resume any new project.

The Budget proposes that the Administration and the Congress apply these guidelines to the Corps construction account starting in 2006.

This appropriation includes \$68 million for the Comprehensive Everglades Restoration Plan (CERP), which represents 4.2 percent of the total amount in the 2006 Budget for this account and 1.6 percent of the total amount in the 2006 Budget for the Corps of Engineers civil works program. Funding the CERP at this level would not have a significant impact on the overall Corps of Engineers civil works program in 2006. Future levels of funding for construction of CERP projects will depend on the availability of funds, and the impact of such future funding on the overall Corps of Engineers civil works program cannot be determined at this time. The budget for the Department of the Interior (DOI) includes an additional \$9 million for the CERP.

This Corps account and the DOI budget include \$69 million and \$75 million, respectively, for other Everglades work. Therefore, the budget for the two agencies includes a total of \$221 million for Everglades restoration work for 2006, of which \$77 million is for work under the CERP and \$144 million is for non-CERP work.

This appropriation also funds the continuing authorities program (the planning, design, and construction of projects that do not require specific legislation). The 2006 Budget includes funding for flood control (Section 205), emergency streambank and shoreline protection (Section 14), beach erosion control (Section 103), mitigation of shore damages (Section 111), snagging and clearing (Section 208), aquatic ecosystem restoration (Section 206), beneficial uses of dredged material (Sections 204, 207, and 933), and project modifications for improvement of the environment (Section 1135).

Object Classification (in millions of dollars)

Identification code 96-3122-0-1-301	2004 actual	2005 est.	2006 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	217	221	245
11.3 Other than full-time permanent	6	7	7
11.5 Other personnel compensation	5	5	5
11.7 Military personnel	5	5	6
11.9 Total personnel compensation	233	238	263
12.1 Civilian personnel benefits	53	54	61
12.2 Accrued retirement	3	3	4
12.2 Other personnel	2	2	3
21.0 Travel and transportation of persons	12	12	12
23.1 Rental payments to GSA	15	15	16
23.3 Communications, utilities, and miscellaneous	7	7	8
24.0 Printing and reproduction	7	7	8
25.1 Advisory and assistance services	115	115	125
25.2 Other services	613	601	259
25.3 Purchase of goods and services from Government accounts	60	60	66
25.5 Research and development contracts	9	9	10

26.0	Supplies and materials	12	12	12
31.0	Equipment	16	16	17
32.0	Land and structures	470	510	511
99.0	Direct obligations	1,627	1,661	1,375
99.0	Reimbursable obligations	749	640	434
99.9	Total new obligations	2,376	2,301	1,809

Personnel Summary

Identification code 96-3122-0-1-301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	3,523	3,500	3,500
Reimbursable:			
2001 Total compensable workyears: Civilian full-time equivalent employment	1,121	1,100	1,100

OPERATION AND MAINTENANCE PROGRAM

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Direct program:			
General fund (non-homeland security)	1,197	1,162	1,204
General fund (homeland security)	102	89	72
Supplemental		155	0
Rescission	-12	-16	
Special recreation user fees	37	42	37
Disposal facilities user fees	3	1	1
Harbor Maintenance Trust Fund	628	665	665
Reclassification, PMA receipts (reduction to general fund)	0	0	-181
Bonneville Power Administration transfer (mandatory)	75	0	0
Rivers and harbors contributed funds (mandatory)	32	34	34
Total direct program	2,062	2,132	1,832
Reimbursable program:			
PMA direct funding	0	0	181
Other reimbursements	255	25	25
Total reimbursable program	255	25	206
Total program	2,317	2,157	2,038

OPERATION AND MAINTENANCE[, GENERAL]

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers (the "Corps"); for providing security for infrastructure owned and operated by, or on behalf of, the [United States Army] Corps [of Engineers], including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, [\$1,959,101,000] \$1,979,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund[, pursuant to Public Law 99-662 may be derived from that fund]; of which such sums as become available from the special account for the [United States Army] Corps [of Engineers] established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i))[, may be derived from that account] shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in [the] areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That [utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland,

the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2003, and September 30, 2004: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: *Provided further*, That the Secretary shall make suitable material excavated from the Bodega Bay Harbor, California, disposal site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: *Provided further*, That using \$175,000 provided herein, the Secretary of the Army, acting through the Chief of Engineers is authorized to remove the sunken vessel *State of Pennsylvania* from the Christina River in Delaware: *Provided further*, That the Corps of Engineers shall not allocate any funds to deposit dredged material along the Laguna Madre portion of the Gulf Intracoastal Waterway except at the placement areas specified in the Dredged Material Management Plan in section 2.11 of the Final Environmental Impact Statement for Maintenance Dredging of the Gulf Intracoastal Waterway, Laguna Madre, Texas, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas, prepared by the Corps of Engineers dated September 2003: *Provided further*, That nothing in the above proviso shall prevent the Corps of Engineers from performing necessary maintenance operations along the Gulf Intracoastal Waterway if the following conditions are met: if the Corps proposes to use any placement areas that are not currently specified in the Dredged Material Management Plan and failure to use such alternative placement areas will result in the closure of any segment of the Gulf Intracoastal Waterway, then such proposal shall be analyzed in an Environmental Impact Statement (EIS) and comply with all other applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., and all other applicable State and Federal laws, including the Clean Water Act, 33 U.S.C. 1251 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.: *Provided further*, That, of the funds made available, \$7,000,000 is to be used to perform work authorized in section 136 of Public Law 108-357, notwithstanding 16 U.S.C. 825s and 31 U.S.C. 3302, for fiscal year 2006 and each year thereafter, amounts sufficient to cover each year's total operation and maintenance expenses allocated by the Corps to the power functions of the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration, including small capital expenditures, other nonrecurring costs, and allocated joint costs, shall, during such year, be collected by the respective Power Administrations and credited to this account as offsetting collections: *Provided*, That amounts so credited in the current fiscal year are available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation net of those collections of not to exceed \$1,798,000,000. (*Energy and Water Development Appropriations Act, 2005.*)

For an additional amount for "Operation and Maintenance, General" for emergency expenses for repair of storm damage to authorized projects, \$145,400,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287. (*Emergency Supplemental for Hurricane Disasters Assistance Act, 2005.*)

Program and Financing (in millions of dollars)

Identification code 96-3123-0-1-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
Operation and maintenance projects:			
Navigation projects:			
00.01 Channels and harbors	100	100	95
00.02 Locks and dams	395	390	350

00.05 Flood control projects:			
00.06 Reservoirs	371	370	330
00.09 Channel improvements, inspections, and miscellaneous maintenance	45	41	35
00.10 Multiple-purpose power projects	475	465	450
00.11 Hydropower			-181
00.91 Total operation and maintenance projects	1,386	1,366	1,079
Miscellaneous items:			
01.01 Protection of navigation	40	40	30
01.02 National emergency preparedness	5	5	4
01.05 Special programs to improve operation and maintenance	25	25	20
01.91 Total miscellaneous items	70	70	54
01.92 Total direct program	1,456	1,436	1,133
09.00 Reimbursable program activity	106	25	25
09.01 Hydropower			181
10.00 Total new obligations	1,562	1,461	1,339
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	83	43	40
22.00 New budget authority (gross)	1,522	1,458	1,339
23.90 Total budgetary resources available for obligation	1,605	1,501	1,379
23.95 Total new obligations	-1,562	-1,461	-1,339
24.40 Unobligated balance carried forward, end of year	43	40	40
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	1,197	1,162	1,204
40.00 Appropriation, Direct Funding from PMAs			-181
40.00 Appropriation (Homeland Security)	102	89	72
40.00 Appropriation Supplemental PL 108-324		155	
40.35 Appropriation permanently reduced	-12	-16	
42.00 Transferred from other accounts	40	43	38
43.00 Appropriation (total discretionary)	1,327	1,433	1,133
Mandatory:			
62.00 Transferred from other accounts (BPA)	75		
Spending authority from offsetting collections:			
Discretionary:			
68.00 Offsetting collections (cash)	121	25	25
68.00 Offsetting collections (cash), PMAs			181
68.10 Change in uncollected customer payments from Federal sources (unexpired)	-1		
68.90 Spending authority from offsetting collections (total discretionary)	120	25	206
70.00 Total new budget authority (gross)	1,522	1,458	1,339
Change in obligated balances:			
72.40 Obligated balance, start of year	329	294	110
73.10 Total new obligations	1,562	1,461	1,339
73.20 Total outlays (gross)	-1,598	-1,645	-1,468
74.00 Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40 Obligated balance, end of year	294	110	-19
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	1,111	1,309	1,175
86.93 Outlays from discretionary balances	412	336	293
86.97 Outlays from new mandatory authority	75		
87.00 Total outlays (gross)	1,598	1,645	1,468
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Other Federal sources (Cash)	-92	-25	-25
88.40 Non-Federal sources	-29		
88.40 Non-Federal sources, PMAs			-181
88.90 Total, offsetting collections (cash)	-121	-25	-206
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	1		
Net budget authority and outlays:			
89.00 Budget authority	1,402	1,433	1,133
90.00 Outlays	1,477	1,620	1,262

General and special funds—Continued

OPERATION AND MAINTENANCE[, GENERAL]—Continued

This appropriation funds operation, maintenance, and related activities at the water resources projects that the Corps of Engineers operates and maintains. Work to be accomplished consists of dredging, repair, and operation of structures and other facilities, as authorized in the various River and Harbor, Flood Control, and Water Resources Development Acts. Related activities include aquatic plant control, monitoring of completed projects, removal of sunken vessels, and the collection of domestic waterborne commerce statistics. The Budget shows all activity financed through the Harbor Maintenance Trust Fund and the Inland Waterways Trust Fund as occurring within those accounts.

This account funds all of the costs associated with protecting Corps of Engineers facilities from potential security threats. This appropriation also funds the national emergency preparedness program under Executive Order 11490.

The Budget includes appropriations language to reclassify certain receipts collected by the Southwestern Power Administration, the Southeastern Power Administration, and the Western Area Power Administration. Each year, the Power Marketing Administrations would deposit in this account an amount sufficient to pay all operation and maintenance costs associated with the power functions of the Corps facilities that generate the power sold by these agencies. A somewhat broader direct funding arrangement is already in place for the Bonneville Power Administration, as authorized in section 2406 of the National Energy Policy Act of 1992 (P.L. 102-486).

This appropriation does not provide any funding for the operation and maintenance of the Comprehensive Everglades Restoration Plan (CERP) in 2006; therefore, funding the CERP at this level would not have a significant impact on the overall Corps of Engineers civil works program. Because no CERP projects have been completed, the work scheduled for CERP over the next couple of years will not involve the operation or maintenance of projects. Future levels of funding for operation and maintenance will depend on the pace of project construction and availability of funds. The impact of such future funding on the overall Corps of Engineers civil works program cannot be determined at this time.

Object Classification (in millions of dollars)

Identification code 96-3123-0-1-301	2004 actual	2005 est.	2006 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	439	466	355
11.3 Other than full-time permanent	27	28	25
11.5 Other personnel compensation	24	25	25
11.7 Military personnel	5	5	5
11.9 Total personnel compensation	495	524	410
12.1 Civilian personnel benefits	110	117	90
21.0 Travel and transportation of persons	10	8	6
22.0 Transportation of things	5	2	2
23.1 Rental payments to GSA	5	5	5
23.2 Rental payments to others	1	1	1
23.3 Communications, utilities, and miscellaneous charges	15	15	15
24.0 Printing and reproduction	2	2	2
25.1 Advisory and assistance services	2	2	2
25.2 Other services	255	240	175
25.3 Other purchases of goods and services from Government accounts	250	240	185
25.4 Operation and maintenance of facilities	40	40	40
25.7 Operation and maintenance of equipment	6	5	5
26.0 Supplies and materials	20	20	20
31.0 Equipment	20	20	20
32.0 Land and structures	220	195	155
99.0 Direct obligations	1,456	1,436	1,133
99.0 Reimbursable obligations	106	25	206

99.9 Total new obligations	1,562	1,461	1,339
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Personnel Summary

Identification code 96-3123-0-1-301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	9,569	9,850	9,850

SPECIAL RECREATION USER FEE

Unavailable Receipts (in millions of dollars)

Identification code 96-5383-0-2-301	2004 actual	2005 est.	2006 est.
01.99 Balance, start of year	47	49	44
Receipts:			
02.00 Special recreation use fees, Corps of Engineers	42	37	37
02.01 User fees, Fund for non-Federal use of disposal facilities		1	1
02.02 Special recreation use fees, Corps of Engineers			9
02.99 Total receipts and collections	42	38	47
04.00 Total: Balances and collections	89	87	91
Appropriations:			
05.01 Special recreation user fee	-40	-43	-38
07.99 Balance, end of year	49	44	53

Program and Financing (in millions of dollars)

Identification code 96-5383-0-2-301	2004 actual	2005 est.	2006 est.
New budget authority (gross), detail:			
Discretionary:			
40.20 Appropriation (special fund)	40	43	38
41.00 Transferred to other accounts	-40	-43	-38
43.00 Appropriation (total discretionary)			
Net budget authority and outlays:			
89.00 Budget authority			
90.00 Outlays			

The budget re-proposes a Corps recreation facility modernization initiative based on a model now employed by other federal recreation providers including the National Park Service and the Forest Service. The Corps would finance a portion of the cost of maintaining and upgrading recreation facilities through the collection of additional user fees. The Corps also would undertake a limited number of demonstration projects to upgrade Corps recreation facilities at little or no cost to the federal government using new planning, management and financing arrangements with State and local government park authorities, local communities, or the private sector. Under the Construction, Operation and Maintenance, and Mississippi River and Tributaries accounts, the budget provides a total of \$268 million for recreation activities in 2006. The requested funds include \$1 million for improvements to accommodate persons with disabilities.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES PROGRAM

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Direct program:			
General fund	324	325	270
Supplemental		6	
Rescission	-2	-3	
Rivers and harbors contributed funds (mandatory)	45	46	46
Total direct program	367	374	316
Reimbursable program	35	1	1
Total program	402	375	317

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, **[\$324,500,000] \$270,000,000**, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using \$12,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed, with \$500,000 appropriated herein, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project], of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund. (Energy and Water Development Appropriations Act, 2005.)

[For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee" for emergency expenses for levee and revetment repair and for emergency dredging, \$6,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.] (Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96-3112-0-1-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 General investigations	8	7	6
00.03 Construction	154	159	128
00.05 Maintenance	155	155	143
09.11 Reimbursable program	33	1	1
10.00 Total new obligations	350	322	278
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	12	19	26
22.00 New budget authority (gross)	357	329	271
23.90 Total budgetary resources available for obligation	369	348	297
23.95 Total new obligations	-350	-322	-278
24.40 Unobligated balance carried forward, end of year	19	26	19
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	324	325	270
40.00 Appropriation (Homeland Security)			
40.00 Appropriation (PL 108-324)		6	
40.35 Appropriation permanently reduced	-2	-3	
43.00 Appropriation (total discretionary)	322	328	270
Spending authority from offsetting collections:			
68.00 Offsetting collections (cash)	36	1	1
68.10 Change in uncollected customer payments from Federal sources (unexpired)	-1		
68.90 Spending authority from offsetting collections (total discretionary)	35	1	1
70.00 Total new budget authority (gross)	357	329	271
Change in obligated balances:			
72.40 Obligated balance, start of year	38	28	56
73.10 Total new obligations	350	322	278
73.20 Total outlays (gross)	-361	-294	-287
74.00 Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40 Obligated balance, end of year	28	56	47
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	311	248	204
86.93 Outlays from discretionary balances	50	46	83

87.00	Total outlays (gross)	361	294	287
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	-36	-1	-1
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	1		
Net budget authority and outlays:				
89.00	Budget authority	322	328	270
90.00	Outlays	325	293	286

This appropriation funds planning, construction, and operation and maintenance activities associated with projects to reduce flood damage in the lower Mississippi River alluvial valley below Cape Girardeau, Missouri.

Object Classification (in millions of dollars)

Identification code 96-3112-0-1-301	2004 actual	2005 est.	2006 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	80	81	84
11.3	Other than full-time permanent	3	3	4
11.5	Other personnel compensation	7	6	8
11.7	Military personnel	1		
11.9	Total personnel compensation	91	90	96
12.1	Civilian personnel benefits	20	20	21
21.0	Travel and transportation of persons	5	5	5
23.1	Rental payments to GSA	3	3	3
23.3	Communications, utilities, and miscellaneous	3	3	3
24.0	Printing and reproduction	2	2	1
25.1	Advisory and assistance services	13	13	11
25.2	Other services	131	132	100
25.3	Purchase goods & svcs. fm Government	5	5	5
25.4	Operation and maintenance of facilities	2	2	1
26.0	Supplies and materials	4	4	4
31.0	Equipment	2	2	1
32.0	Land and structures	36	36	26
99.0	Direct obligations	317	317	277
99.0	Reimbursable obligations	33	5	1
99.9	Total new obligations	350	322	278

Personnel Summary

Identification code 96-3112-0-1-301	2004 actual	2005 est.	2006 est.	
Direct:				
1001	Total compensable workyears: Civilian full-time equivalent employment	1,545	1,550	1,550

FLOOD CONTROL AND COASTAL EMERGENCIES

For [an additional amount for "Flood Control and Coastal Emergencies" for emergency expenses for repair of damage to flood control and hurricane shore protection projects by storms and other natural disasters, \$148,000,000] expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, **\$70,000,000**, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287]. (Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96-3125-0-1-301	2004 actual	2005 est.	2006 est.	
Obligations by program activity:				
Direct program:				
00.01	Disaster preparedness	18	25	25
00.02	Emergency operations	16	6	6
00.03	Rehabilitation	14	15	15

General and special funds—Continued

FLOOD CONTROL AND COASTAL EMERGENCIES—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3125-0-1-301	2004 actual	2005 est.	2006 est.
00.04 Advance measures	10	4	4
09.00 Reimbursable program activity	401	388	25
10.00 Total new obligations	459	438	75
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	134	364	99
22.00 New budget authority (gross)	689	173	95
23.90 Total budgetary resources available for obligation	823	537	194
23.95 Total new obligations	-459	-438	-75
24.40 Unobligated balance carried forward, end of year	364	99	119
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation			70
40.00 Appropriation (supplemental—PL 108-324)		148	
41.00 Transferred to other accounts	-2		
42.00 Transferred from other accounts	5		
43.00 Appropriation (total discretionary)	3	148	70
Spending authority from offsetting collections:			
68.00 Offsetting collections (cash)	42	25	25
68.10 Change in uncollected customer payments from Federal sources (unexpired)	644		
68.90 Spending authority from offsetting collections (total discretionary)	686	25	25
70.00 Total new budget authority (gross)	689	173	95
Change in obligated balances:			
72.40 Obligated balance, start of year	-63	-389	-94
73.10 Total new obligations	459	438	75
73.20 Total outlays (gross)	-141	-143	-135
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-644		
74.40 Obligated balance, end of year	-389	-94	-154
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	3	87	48
86.93 Outlays from discretionary balances	138	56	87
87.00 Total outlays (gross)	141	143	135
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-19	-25	-25
88.40 Non-Federal sources	-23		
88.90 Total, offsetting collections (cash)	-42	-25	-25
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-644		
Net budget authority and outlays:			
89.00 Budget authority	3	148	70
90.00 Outlays	99	118	110

This appropriation provides the funds needed for the planning, training, exercises, and other measures that ensure the readiness of the Corps of Engineers to respond to floods, hurricanes, and other natural disasters, and to support emergency operations in response to flood and hurricane disasters, including advance measures, flood fighting, emergency operations, providing potable water on an emergency basis, and the repair of certain flood and storm damage reduction projects. The Budget provides funding for ongoing preparedness activities, as well as the additional funding needed in 2006 to meet the emergency needs of a typical year without disrupting activities in other program areas.

Object Classification (in millions of dollars)

Identification code 96-3125-0-1-301	2004 actual	2005 est.	2006 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	27	8	8
11.3 Other than full-time permanent	1	1	1
11.5 Other personnel compensation	5	5	5
11.9 Total personnel compensation	33	14	14
12.1 Civilian personnel benefits	6	2	2
21.0 Travel and transportation of persons	1	1	1
23.1 Rental payments to GSA	1	1	1
23.3 Communications, utilities, and miscellaneous charges	1	1	1
25.3 Other purchases of goods and services from Government accounts	10	24	24
31.0 Equipment	1	1	1
32.0 Land and structures	5	6	6
99.0 Direct obligations	58	50	50
99.0 Reimbursable obligations	401	388	25
99.9 Total new obligations	459	438	75

Personnel Summary

Identification code 96-3125-0-1-301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	431	140	140

GENERAL INVESTIGATIONS PROGRAM

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Direct program:			
General fund	117	144	95
Rescission	-1	-1	
Rivers and harbors contributed funds (mandatory)	27	34	34
Total direct program	143	177	129
Reimbursable program	35	9	9
Total program	178	186	138

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, **[\$144,500,000] \$95,000,000**, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$300,000 for the continued preconstruction, engineering, and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized and that any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation: *Provided further*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: *Provided further*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs]. *(Energy and Water Development Appropriations Act, 2005.)*

[For an additional amount for "General Investigations" for emergency expenses for the update of studies necessitated by storm damage to shore protection projects, \$400,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Con-

gress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287. (Emergency Supplemental Appropriations for Hurricane Disaster Assistance Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96–3121–0–1–301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 Navigation, flood damage prevention, and shoreline protection studies	32	63	22
00.02 Comprehensive basin studies	4	5	3
00.03 Special studies	29	5	20
00.04 Review of authorized projects	6	1	1
00.05 Cooperation with other Federal agencies and non-Federal interests	6	6	5
00.07 Preconstruction engineering and design	9	27	15
00.08 Flood plain management services	12	5	5
00.09 Other programs	12	10	10
00.10 Research and development	17	20	10
09.11 Reimbursable program activity	33	30	20
10.00 Total new obligations	160	172	111
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	50	41	21
22.00 New budget authority (gross)	151	152	104
23.90 Total budgetary resources available for obligation	201	193	125
23.95 Total new obligations	–160	–172	–111
24.40 Unobligated balance carried forward, end of year	41	21	14
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	117	144	95
40.35 Appropriation permanently reduced	–1	–1	.....
43.00 Appropriation (total discretionary)	116	143	95
Spending authority from offsetting collections:			
68.00 Offsetting collections (cash)	33	9	9
68.10 Change in uncollected customer payments from Federal sources (unexpired)	2	.....	.....
68.90 Spending authority from offsetting collections (total discretionary)	35	9	9
70.00 Total new budget authority (gross)	151	152	104
Change in obligated balances:			
72.40 Obligated balance, start of year	3	–8	23
73.10 Total new obligations	160	172	111
73.20 Total outlays (gross)	–169	–141	–123
74.00 Change in uncollected customer payments from Federal sources (unexpired)	–2	.....	.....
74.40 Obligated balance, end of year	–8	23	11
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	35	91	62
86.93 Outlays from discretionary balances	134	50	61
87.00 Total outlays (gross)	169	141	123
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	–17	–9	–9
88.40 Non-Federal sources	–16	.....	.....
88.90 Total, offsetting collections (cash)	–33	–9	–9
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	–2	.....	.....
Net budget authority and outlays:			
89.00 Budget authority	116	143	95
90.00 Outlays	136	132	114

This appropriation funds studies to determine the need, the engineering and economic feasibility, and the environmental and social suitability of solutions to water and related land resource problems; and funds preconstruction engineering and design, data collection, interagency coordination, and

research. Because the Corps of Engineers civil works program already has a large backlog of ongoing construction work, the budget limits funding for the study and design of additional projects.

Object Classification (in millions of dollars)

Identification code 96–3121–0–1–301	2004 actual	2005 est.	2006 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	59	67	66
11.3 Other than full-time permanent	2	2	1
11.5 Other personnel compensation	1	1	1
11.9 Total personnel compensation	62	70	68
12.1 Civilian personnel benefits	15	17	10
13.0 Benefits for former personnel	1	1	1
21.0 Travel and transportation of persons	2	2	1
23.1 Rental payments to GSA	2	2	1
23.3 Communications, utilities, and miscellaneous	1	1	1
24.0 Printing and reproduction	1	1	1
25.2 Other services	18	21	1
25.3 Purchase of goods and services from Government accounts	17	17	4
25.5 Research and development contracts	6	6	1
26.0 Supplies and materials	1	2	1
31.0 Equipment	1	2	1
99.0 Direct obligations	127	142	91
99.0 Reimbursable obligations	33	30	20
99.9 Total new obligations	160	172	111

Personnel Summary

Identification code 96–3121–0–1–301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	910	1,000	1,000

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, **[\$145,000,000]** \$160,000,000, to remain available until expended. (Energy and Water Development Appropriations Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96–3126–0–1–301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.03 Permit evaluation	127	122	122
00.05 Enforcement and compliance	12	22	23
00.06 Studies	1	2	2
00.07 Administrative appeals	1	1	1
01.92 Total direct obligations	141	147	148
09.00 Reimbursable program	1	1	1
10.00 Total new obligations	142	148	149
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	5	3	.....
22.00 New budget authority (gross)	140	145	161
23.90 Total budgetary resources available for obligation	145	148	161
23.95 Total new obligations	–142	–148	–149
24.40 Unobligated balance carried forward, end of year	3	.....	12
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	140	145	160
40.35 Appropriation permanently reduced	–1	–1	.....
43.00 Appropriation (total discretionary)	139	144	160
Spending authority from offsetting collections:			
68.00 Offsetting collections (cash)	2	1	1
68.10 Change in uncollected customer payments from Federal sources (unexpired)	–1	.....	.....

General and special funds—Continued

REGULATORY PROGRAM—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3126-0-1-301	2004 actual	2005 est.	2006 est.	
68.90	Spending authority from offsetting collections (total discretionary)	1	1	1
70.00	Total new budget authority (gross)	140	145	161
Change in obligated balances:				
72.40	Obligated balance, start of year	7	4	7
73.10	Total new obligations	142	148	149
73.20	Total outlays (gross)	-146	-145	-160
74.00	Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40	Obligated balance, end of year	4	7	-4
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	1	138	153
86.93	Outlays from discretionary balances	145	7	7
87.00	Total outlays (gross)	146	145	160
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	-1	-1	-1
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	1		
88.96	Portion of offsetting collections (cash) credited to expired accounts	-1		
Net budget authority and outlays:				
89.00	Budget authority	139	144	160
90.00	Outlays	145	144	159

This appropriation provides funds to administer laws pertaining to regulation of activities affecting U.S. waters, including wetlands, in accordance with the Rivers and Harbors Appropriation Act of 1899, the Clean Water Act, and the Marine Protection, Research and Sanctuaries Act of 1972.

The requested funds are needed to review and process permit applications, ensure compliance on permitted sites, protect important aquatic resources, and support watershed planning efforts in sensitive environmental areas in cooperation with States and local communities.

Object Classification (in millions of dollars)

Identification code 96-3126-0-1-301	2004 actual	2005 est.	2006 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	83	75	89
11.3	Other than full-time permanent	3	2	3
11.5	Other personnel compensation	1	2	1
11.9	Total personnel compensation	87	79	93
12.1	Civilian personnel benefits	21	18	22
21.0	Travel and transportation of persons	4	3	4
22.0	Transportation of things	1	2	2
23.1	Rental payments to GSA	2	2	2
23.3	Communications, utilities, and miscellaneous	2	1	2
24.0	Printing and reproduction	1	1	1
25.1	Advisory and assistance services	3	2	2
25.2	Other services	1	8	4
25.3	Purchase goods & svcs. fm Government accts.	13	24	8
25.7	Operation and maintenance of equipment	1	3	2
26.0	Supplies and materials	2	1	2
31.0	Equipment	2	1	2
32.0	Land and structures	1	2	2
99.0	Direct obligations	141	147	148
99.0	Reimbursable obligations	1	1	1
99.9	Total new obligations	142	148	149

Personnel Summary

Identification code 96-3126-0-1-301	2004 actual	2005 est.	2006 est.	
Direct:				
1001	Total compensable workyears: Civilian full-time equivalent employment	1,448	1,460	1,460

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, **[\$165,000,000]** \$140,000,000, to remain available until expended. (Energy and Water Development Appropriations Act, 2005.)

Program and Financing (in millions of dollars)

Identification code 96-3130-0-1-053	2004 actual	2005 est.	2006 est.	
Obligations by program activity:				
00.01	Direct program activity	139	165	140
09.01	Reimbursable program	4		
10.00	Total new obligations	143	165	140
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	2	2	1
22.00	New budget authority (gross)	143	164	140
23.90	Total budgetary resources available for obligation	145	166	141
23.95	Total new obligations	-143	-165	-140
24.40	Unobligated balance carried forward, end of year	2	1	1
New budget authority (gross), detail:				
Discretionary:				
40.00	Appropriation	140	165	140
40.35	Appropriation permanently reduced	-1	-1	
43.00	Appropriation (total discretionary)	139	164	140
68.00	Spending authority from offsetting collections: Offsetting collections (cash)	4		
70.00	Total new budget authority (gross)	143	164	140
Change in obligated balances:				
72.40	Obligated balance, start of year	33	29	40
73.10	Total new obligations	143	165	140
73.20	Total outlays (gross)	-147	-154	-150
74.40	Obligated balance, end of year	29	40	30
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	4	98	84
86.93	Outlays from discretionary balances	143	56	66
87.00	Total outlays (gross)	147	154	150
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	-4		
Net budget authority and outlays:				
89.00	Budget authority	139	164	140
90.00	Outlays	144	154	150

This appropriation funds the cleanup of certain low-level radioactive materials and mixed wastes, located mostly at sites contaminated as a result of the Nation's early efforts to develop atomic weapons.

Object Classification (in millions of dollars)

Identification code 96-3130-0-1-053	2004 actual	2005 est.	2006 est.	
Direct obligations:				
11.1	Personnel compensation: Full-time permanent	8	9	8
12.1	Civilian personnel benefits	2	2	2
25.2	Other services	105	113	105
25.3	Other purchases of goods and services from Government accounts	20	25	15
32.0	Land and structures	5	16	10

99.0	Direct obligations	140	165	140
99.0	Reimbursable obligations	3		
99.9	Total new obligations	143	165	140

Personnel Summary

Identification code 96-3130-0-1-053	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	124	130	130

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, **[\$167,000,000] \$162,000,000**, to remain available until expended: *Provided*, That no part of any other appropriation provided in [title I of] this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers. (*Energy and Water Development Appropriations Act, 2005.*)

Program and Financing (in millions of dollars)

Identification code 96-3124-0-1-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
Executive direction and management:			
00.01 Office, Chief of Engineers	54	54	54
00.02 Division offices	73	71	72
00.09 Humphreys Engineer Center support activity	17	17	17
00.11 Institute for Water Resources	4	4	4
00.12 USACE finance center	1	1	1
00.13 GE program accounts	15	19	14
09.00 Reimbursable program	17		
10.00 Total new obligations	181	166	162
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	6	4	4
22.00 New budget authority (gross)	179	166	162
23.90 Total budgetary resources available for obligation	185	170	166
23.95 Total new obligations	-181	-166	-162
24.40 Unobligated balance carried forward, end of year	4	4	4
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	160	167	162
40.35 Appropriation permanently reduced	-1	-1	
43.00 Appropriation (total discretionary)	159	166	162
Spending authority from offsetting collections:			
68.00 Offsetting collections (cash)	15		
68.10 Change in uncollected customer payments from Federal sources (unexpired)	5		
68.90 Spending authority from offsetting collections (total discretionary)	20		
70.00 Total new budget authority (gross)	179	166	162
Change in obligated balances:			
72.40 Obligated balance, start of year	32	31	27
73.10 Total new obligations	181	166	162
73.20 Total outlays (gross)	-177	-170	-163
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-5		
74.40 Obligated balance, end of year	31	27	26
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	15	133	130

86.93	Outlays from discretionary balances	162	37	33
87.00	Total outlays (gross)	177	170	163

Offsets:

Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	-15		
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	-5		

Net budget authority and outlays:

89.00	Budget authority	159	166	162
90.00	Outlays	163	170	163

This appropriation funds the executive direction and management, the centralized operations, and the administration of the Corps of Engineers at the following offices and facilities:

Headquarters, U.S. Army Corps of Engineers.—This office provides executive direction and management for the entire civil works program.

Offices of the Division Engineers.—The eight division offices supervise work in 38 district offices.

Humphreys Engineer Center Support Activity.—This support center provides administrative services (such as personnel, logistics, information management, and finance and accounting) for the Office of the Chief of Engineers and other separate field operating activities.

Institute for Water Resources.—This institute performs studies and analyses and develops planning techniques for the management and development of the Nation's water resources.

United States Army Corps of Engineers Finance Center.—This center provides centralized support for all Corps finance and accounting activities.

U.S. Army Engineer Research and Development Center.—This center manages all research and development for the civil works program.

Object Classification (in millions of dollars)

Identification code 96-3124-0-1-301	2004 actual	2005 est.	2006 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	89	93	93
11.3	Other than full-time permanent	1	1	1
11.5	Other personnel compensation	1	1	1
11.7	Military personnel	4	4	4
11.9	Total personnel compensation	95	99	99
12.1	Civilian personnel benefits	16	17	17
12.2	Accrued retirement	2	2	2
13.0	Benefits for former personnel	1	1	1
21.0	Travel and transportation of persons	8	7	7
23.1	Rental payments to GSA	6	6	6
23.2	Rental payments to others	1	1	1
23.3	Communications, utilities, and miscellaneous	5	5	5
24.0	Printing and reproduction	3	3	3
25.2	Other services	10	11	9
25.3	Purchase goods & svcs. fm Government accts.	11	9	7
26.0	Supplies and materials	3	2	2
31.0	Equipment	3	3	3
99.0	Direct obligations	164	166	162
99.0	Reimbursable obligations	17		
99.9	Total new obligations	181	166	162

Personnel Summary

Identification code 96-3124-0-1-301	2004 actual	2005 est.	2006 est.	
Direct:				
1001	Total compensable workyears: Civilian full-time equivalent employment	1,020	997	997

General and special funds—Continued

PAYMENT TO SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Program and Financing (in millions of dollars)

Identification code 96-3129-0-1-306	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 Payment to SD Terrestrial Wildlife Habitat Restoration Trust Fund	10	10	10
10.00 Total new obligations (object class 25.2)	10	10	10
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	10	10	10
23.95 Total new obligations	-10	-10	-10
New budget authority (gross), detail:			
Mandatory:			
60.00 Appropriation	10	10	10
Change in obligated balances:			
73.10 Total new obligations	10	10	10
73.20 Total outlays (gross)	-10	-10	-10
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	10	10	10
Net budget authority and outlays:			
89.00 Budget authority	10	10	10
90.00 Outlays	10	10	10

This fund makes payments to the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund, established by the Water Resources Act of 1999 (P.L. 106-53).

WASHINGTON AQUEDUCT

Program and Financing (in millions of dollars)

Identification code 96-3128-0-1-301	2004 actual	2005 est.	2006 est.
New budget authority (gross), detail:			
Mandatory:			
69.00 Offsetting collections (cash)	2	1	1
69.47 Portion applied to repay debt	-2	-1	-1
69.90 Spending authority from offsetting collections (total mandatory)			
Offsets:			
Against gross budget authority and outlays:			
88.40 Offsetting collections (cash) from: Non-Federal sources	-2	-1	-1
Net budget authority and outlays:			
89.00 Budget authority	-2	-1	-1
90.00 Outlays	-1	-1	-1

The Washington Aqueduct (Aqueduct) supplies drinking water to customers in three jurisdictions: the District of Columbia, Arlington County, Virginia, and the city of Falls Church, Virginia. Although the Aqueduct is owned and operated by the Army Corps of Engineers, the customers finance the operation, maintenance and major capital improvement of Aqueduct facilities. Under current law, the Aqueduct's customers are required to pay in advance the full cost of making capital improvements at the Aqueduct. The Administration plans to submit legislation to allow the Corps to undertake capital improvements to comply with the National Pollutant Discharge Elimination System permit that has been issued for the Aqueduct in advance of receiving cash payments from the customers. The customers would deposit the funds in advance in an interest bearing escrow account at a highly

rated non-Federal financial institution, and the funds would be transferred to the Corps as disbursements are made. In addition, the Administration plans to explore alternative ownership and financing options for the Aqueduct that may better meet the needs of the Aqueduct's customers than the current arrangement.

PERMANENT APPROPRIATIONS

Unavailable Receipts (in millions of dollars)

Identification code 96-9921-0-2-999	2004 actual	2005 est.	2006 est.
01.99 Balance, start of year	22	18	18
Receipts:			
02.00 Licenses under Federal Power Act, improvements of navigable waters	7	9	9
02.20 Receipts from leases of lands acquired for flood control, navigation, and allied purposes	5	9	9
02.99 Total receipts and collections	12	18	18
04.00 Total: Balances and collections	34	36	36
Appropriations:			
05.00 Permanent appropriations	-16	-18	-18
07.99 Balance, end of year	18	18	18

Program and Financing (in millions of dollars)

Identification code 96-9921-0-2-999	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.02 Maintenance and operation of dams and other improvements of navigable waters	7	9	9
00.03 Payments to States	9	9	9
10.00 Total new obligations	16	18	18
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	16	18	18
23.95 Total new obligations	-16	-18	-18
New budget authority (gross), detail:			
Mandatory:			
60.20 Appropriation (special fund)	16	18	18
Change in obligated balances:			
72.40 Obligated balance, start of year	3	3	3
73.10 Total new obligations	16	18	18
73.20 Total outlays (gross)	-16	-18	-18
74.40 Obligated balance, end of year	3	3	3
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	16	18	18
Net budget authority and outlays:			
89.00 Budget authority	16	18	18
90.00 Outlays	16	18	18

This account covers the following three permanent appropriations:

Hydraulic mining debris reservoir.—The Corps uses fees paid by Pacific Gas and Electric Company to help maintain the Eglebright Dam, Yuba River, CA, mine debris restraining works and associated hydropower generation facilities. (33 U.S.C. 683)

Maintenance and operation of dams and other improvements of navigable waters.—The Corps uses its share of certain fees levied by the Federal Energy Regulatory Commission (on the private use of Federal property, including facilities and land; private construction and operation of water management and appurtenant facilities; and private benefit from headwater improvement by others) for construction, operation, and maintenance of Federal water management facilities. (16 U.S.C. 810(a))

Payments to States.—In lieu of taxes, the Corps pays to States three-fourths of the rent received from the lease of Federal lands acquired for flood control, navigation, and allied purposes. (33 U.S.C. 701c-3)

Object Classification (in millions of dollars)

Identification code 96-9921-0-2-999	2004 actual	2005 est.	2006 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	1	1	1
13.0 Benefits for former personnel	1	1	1
25.2 Other services	5	5	5
41.0 Grants, subsidies, and contributions	7	7	7
99.0 Direct obligations	14	14	14
99.5 Below reporting threshold	2	4	4
99.9 Total new obligations	16	18	18

Personnel Summary

Identification code 96-9921-0-2-999	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	6	10	10

Intragovernmental funds:**REVOLVING FUND****Program and Financing** (in millions of dollars)

Identification code 96-4902-0-4-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
Operating Expenses:			
09.01 Plant and equipment services	629	629	507
09.02 Warehousing (GPRA)	6	7	7
09.03 Shop and facility services	1,710	1,417	1,672
09.04 General administrative services	1,710	1,425	1,305
09.09 Total operating expenses	4,055	3,478	3,491
Capital Investment:			
09.20 Land and structures	6	13	19
09.21 Dredges	3	31	28
09.22 Other floating plant	30	21	16
09.23 Land-based equipment	6	2	3
09.24 Tools, office furniture, and equipment	11	6	5
09.29 Total capital investment	56	73	71
10.00 Total new obligations	4,111	3,551	3,562
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	81	4	.....
22.00 New budget authority (gross)	4,034	3,547	3,562
23.90 Total budgetary resources available for obligation	4,115	3,551	3,562
23.95 Total new obligations	-4,111	-3,551	-3,562
24.40 Unobligated balance carried forward, end of year	4	.....	.....
New budget authority (gross), detail:			
Mandatory:			
69.00 Offsetting collections (cash)	4,043	3,547	3,562
69.10 Change in uncollected customer payments from Federal sources (unexpired)	-9	.....	.....
69.90 Spending authority from offsetting collections (total mandatory)	4,034	3,547	3,562
Change in obligated balances:			
72.40 Obligated balance, start of year	909	899	903
73.10 Total new obligations	4,111	3,551	3,562
73.20 Total outlays (gross)	-4,130	-3,547	-3,562
74.00 Change in uncollected customer payments from Federal sources (unexpired)	9	.....	.....
74.40 Obligated balance, end of year	899	903	903
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority .....	.....	3,547	3,562

86.98	Outlays from mandatory balances	4,130	.....	.....
87.00	Total outlays (gross)	4,130	3,547	3,562
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	-4,043	-3,547	-3,562
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	9	.....	.....
Net budget authority and outlays:				
89.00	Budget authority .....	.....	.....	.....
90.00	Outlays	88	.....	.....

This revolving fund provides for the acquisition, operation, and maintenance of plant and equipment used in civil works functions; and for temporary financing of services chargeable to civil works appropriations. In addition, payments are made into the fund when other agencies or entities use facilities acquired by the fund.

Object Classification (in millions of dollars)

Identification code 96-4902-0-4-301	2004 actual	2005 est.	2006 est.	
21.0	Travel and transportation of persons	24	24	24
22.0	Transportation of things	1	1	1
23.1	Rental payments to GSA	12	12	12
23.2	Rental payments to others	1	1	1
23.3	Communications, utilities, and miscellaneous charges	33	29	29
24.0	Printing and reproduction	19	17	17
25.1	Advisory and assistance services	1	1	1
25.2	Other services	3,500	2,997	3,115
25.3	Other purchases of goods and services from Government accounts	290	250	145
25.7	Operation and maintenance of equipment	11	11	11
26.0	Supplies and materials	150	150	149
31.0	Equipment	50	39	38
32.0	Land and structures	17	17	17
42.0	Insurance claims and indemnities	1	1	1
44.0	Refunds	1	1	1
99.9	Total new obligations	4,111	3,551	3,562

HARBOR MAINTENANCE TRUST FUND**Unavailable Receipts** (in millions of dollars)

Identification code 96-8863-0-7-301	2004 actual	2005 est.	2006 est.	
01.99	Balance, start of year	2,001	2,299	2,613
Receipts:				
02.00	User fees, Harbor maintenance trust fund	870	896	1,002
02.40	Earnings on investments, Harbor maintenance trust fund	76	111	142
02.99	Total receipts and collections	946	1,007	1,144
04.00	Total: Balances and collections	2,947	3,306	3,757
Appropriations:				
05.00	Operations and maintenance	-14	-16	-8
05.01	Harbor maintenance trust fund	-3	-9	-9
05.02	Harbor maintenance trust fund	-628	-665	-665
05.03	Customs and Border Protection	-3	-3	-3
05.99	Total appropriations	-648	-693	-685
07.99	Balance, end of year	2,299	2,613	3,072

Program and Financing (in millions of dollars)

Identification code 96-8863-0-7-301	2004 actual	2005 est.	2006 est.	
Obligations by program activity:				
00.01	Direct program activity	628	665	665
00.02	Dredged material disposal facilities	3	9	9
10.00	Total new obligations	631	674	674
Budgetary resources available for obligation:				
22.00	New budget authority (gross)	631	674	674

Intragovernmental funds—Continued

HARBOR MAINTENANCE TRUST FUND—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-8863-0-7-301	2004 actual	2005 est.	2006 est.
23.95 Total new obligations	-631	-674	-674
New budget authority (gross), detail:			
Discretionary:			
40.26 Appropriation (Construction general)	3	9	9
40.26 Appropriation (Operations & maintenance)	628	665	665
43.00 Appropriation (total discretionary)	631	674	674
Change in obligated balances:			
73.10 Total new obligations	631	674	674
73.20 Total outlays (gross)	-631	-674	-674
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	631	674	674
Net budget authority and outlays:			
89.00 Budget authority	631	674	674
90.00 Outlays	631	674	674
Memorandum (non-add) entries:			
92.01 Total investments, start of year: Federal securities: Par value	1,943	2,237	1,833
92.02 Total investments, end of year: Federal securities: Par value	2,237	1,833	1,833

The Harbor Maintenance Trust Fund is authorized under the Harbor Maintenance Revenue Act of 1986 (P.L. 99-662, Title XIV), as amended. Revenue is derived from receipts from a 0.125 percent *ad valorem* tax imposed upon commercial users of specified U.S. ports, Saint Lawrence Seaway tolls, and investment interest. The budget shows all activity related to the Harbor Maintenance Trust Fund as occurring within this account, rather than in the Construction and Operation and Maintenance accounts.

The Harbor Maintenance Revenue Act authorized expenditures from this fund to finance up to 100 percent of Corps of Engineers harbor operation and maintenance costs, including the operation and maintenance of Great Lakes navigation projects. The fund fully finances the operation and maintenance of the Saint Lawrence Seaway Development Corporation. Section 201 of Public Law 104-303 authorized the Federal share of the costs for the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any coastal or inland harbor, the dredging and disposal of contaminated sediments that are in or affect the maintenance of Federal navigation channels, the mitigation of impacts resulting from Federal navigation operation and maintenance activities, and the operation and maintenance of dredged material disposal facilities to be derived from the fund.

The North American Free Trade Agreement Implementation Act (P.L. 103-182, section 683) authorized payment from the fund of administrative expenses incurred by the Department of the Treasury, the Corps of Engineers, and the Department of Commerce related to administration of the harbor maintenance tax, but not to exceed \$5,000,000 for any fiscal year.

A 1995 decision by the United States Court of International Trade, *United States Shoe Corp. v. United States* (Case No. 94-11-00668), found the harbor maintenance tax unconstitutional under the export clause of the Constitution (Article I, section 9, clause 5), and enjoined the Customs Service from collecting the tax on exports. The Supreme Court affirmed that decision on March 31, 1998.

Object Classification (in millions of dollars)

Identification code 96-8863-0-7-301	2004 actual	2005 est.	2006 est.
11.1 Personnel compensation: Full-time permanent	186	187	192
12.1 Civilian personnel benefits	45	45	46
21.0 Travel and transportation of persons	10	10	10
22.0 Transportation of things	6	10	10
23.1 Rental payments to GSA	6	10	10
23.2 Rental payments to others	3	5	5
23.3 Communications, utilities, and miscellaneous charges	15	15	15
25.1 Advisory and assistance services	5	5	5
25.2 Other services	95	100	100
25.3 Other purchases of goods and services from Govern- ment accounts	95	110	110
25.4 Operation and maintenance of facilities	15	15	12
25.7 Operation and maintenance of equipment	5	5	5
26.0 Supplies and materials	15	15	15
31.0 Equipment	15	15	15
32.0 Land and structures	115	127	124
99.9 Total new obligations	631	674	674

Personnel Summary

Identification code 96-8863-0-7-301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equiv- alent employment	3,070	3,000	3,000

Trust Funds

INLAND WATERWAYS TRUST FUND

Unavailable Receipts (in millions of dollars)

Identification code 20-8861-0-7-301	2004 actual	2005 est.	2006 est.
01.99 Balance, start of year	383	350	307
Receipts:			
02.00 Transfer from general fund, Inland waterways revenue act taxes	91	91	92
02.40 Interest and profits on investments in public debt securities	-7	15	13
02.99 Total receipts and collections	84	106	105
04.00 Total: Balances and collections	467	456	412
Appropriations:			
05.00 Inland waterways trust fund	-117	-149	-184
07.99 Balance, end of year	350	307	228

Program and Financing (in millions of dollars)

Identification code 20-8861-0-7-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 Direct program activity	117	149	184
10.00 Total new obligations	117	149	184
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	117	149	184
23.95 Total new obligations	-117	-149	-184
New budget authority (gross), detail:			
Discretionary:			
40.26 Appropriation (trust fund)	117	149	184
Change in obligated balances:			
72.40 Obligated balance, start of year	8	10	16
73.10 Total new obligations	117	149	184
73.20 Total outlays (gross)	-115	-143	-178
74.40 Obligated balance, end of year	10	16	22
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority		127	156
86.93 Outlays from discretionary balances	115	16	22
87.00 Total outlays (gross)	115	143	178

Net budget authority and outlays:				
89.00	Budget authority	117	149	184
90.00	Outlays	115	143	178
Memorandum (non-add) entries:				
92.01	Total investments, start of year: Federal securities: Par value	384	352	307
92.02	Total investments, end of year: Federal securities: Par value	352	307	230

The Inland Waterways Trust Fund is authorized under the Inland Waterways Revenue Act of 1978 (P.L. 95-502), as amended by the Water Resources Development Act of 1986 (P.L. 99-662). Revenue is derived from taxes imposed on fuel for vessels engaged in commercial waterway transportation, plus investment interest. The budget shows all activity related to the Inland Waterways Trust Fund as occurring within this account, rather than in the Construction account.

The fund is used to pay one half of the construction and major rehabilitation costs of specified Federal inland waterways projects.

Object Classification (in millions of dollars)

Identification code 20-8861-0-7-301	2004 actual	2005 est.	2006 est.	
11.1	Personnel compensation: Full-time permanent	8	11	16
12.1	Civilian personnel benefits	2	3	3
21.0	Travel and transportation of persons	1	2	3
23.1	Rental payments to GSA	1	2	3
23.3	Communications, utilities, and miscellaneous charges	1	2	3
24.0	Printing and reproduction	1	2	3
25.1	Advisory and assistance services	12	10	13
25.2	Other services	54	84	97
25.3	Other purchases of goods and services from Government accounts	7	5	5
25.5	Research and development contracts	3	1	2
26.0	Supplies and materials	2	2	3
31.0	Equipment	1	2	3
32.0	Land and structures	24	23	30
99.9	Total new obligations	117	149	184

Personnel Summary

Identification code 20-8861-0-7-301	2004 actual	2005 est.	2006 est.	
Direct:				
1001	Total compensable workyears: Civilian full-time equivalent employment	146	190	190

RIVERS AND HARBORS CONTRIBUTED FUNDS

Unavailable Receipts (in millions of dollars)

Identification code 96-8862-0-7-301	2004 actual	2005 est.	2006 est.	
Receipts:				
02.20	Contributions, Rivers and harbors, other than port and harbor user fees	414	445	445
Appropriations:				
05.00	Rivers and harbors contributed funds	-414	-445	-445
07.99	Balance, end of year			

Program and Financing (in millions of dollars)

Identification code 96-8862-0-7-301	2004 actual	2005 est.	2006 est.	
Obligations by program activity:				
General investigations:				
00.01	Where required for an authorized Federal project	21	22	22
00.02	Where not required for an authorized Federal project	6	6	7
Construction General:				
00.03	Where required for an authorized Federal project	292	305	310
00.04	Where not required for an authorized Federal project	12	13	13
Operations and Maintenance:				
00.05	Where required for an authorized Federal project	31	32	33

00.06	Where not required for an authorized Federal project Flood Control, Mississippi River & Tributaries:	2	2	2
00.07	Where required for an authorized Federal project	41	43	43
00.08	Where not required for an authorized Federal project Coastal Wetlands Restoration:	4	4	4
00.09	Where required for an authorized Federal Project	7	7	7
10.00	Total new obligations	416	434	441

Budgetary resources available for obligation:

21.40	Unobligated balance carried forward, start of year	262	260	271
22.00	New budget authority (gross)	414	445	445
23.90	Total budgetary resources available for obligation	676	705	716
23.95	Total new obligations	-416	-434	-441
24.40	Unobligated balance carried forward, end of year	260	271	275

New budget authority (gross), detail:

Mandatory:				
60.26	Appropriation (trust fund)	414	445	445

Change in obligated balances:

72.40	Obligated balance, start of year	127	149	170
73.10	Total new obligations	416	434	441
73.20	Total outlays (gross)	-394	-413	-445
74.40	Obligated balance, end of year	149	170	166

Outlays (gross), detail:

86.97	Outlays from new mandatory authority	5	4	4
86.98	Outlays from mandatory balances	389	409	441
87.00	Total outlays (gross)	394	413	445

Net budget authority and outlays:

89.00	Budget authority	414	445	445
90.00	Outlays	394	413	445

Funds are contributed by non-Federal interests for use on improvements of rivers and harbors. This includes cost-sharing contributions for the study, design, construction, and operation and maintenance of authorized Federal projects, as well as contributions of 100 percent of the costs of other work.

Object Classification (in millions of dollars)

Identification code 96-8862-0-7-301	2004 actual	2005 est.	2006 est.	
Personnel compensation:				
11.1	Full-time permanent	29	32	32
11.3	Other than full-time permanent	1	1	1
11.5	Other personnel compensation	1	1	1
11.9	Total personnel compensation	31	34	34
12.1	Civilian personnel benefits	7	8	8
21.0	Travel and transportation of persons	1	1	1
23.1	Rental payments to GSA	1	1	1
23.3	Communications, utilities, and miscellaneous charges	1	1	1
25.1	Advisory and assistance services	1	1	1
25.2	Other services	49	47	49
25.3	Other purchases of goods and services from Government accounts	25	25	25
25.4	Operation and maintenance of facilities	1	1	1
26.0	Supplies and materials	27	45	45
32.0	Land and structures	272	270	275
99.9	Total new obligations	416	434	441

Personnel Summary

Identification code 96-8862-0-7-301	2004 actual	2005 est.	2006 est.	
Direct:				
1001	Total compensable workyears: Civilian full-time equivalent employment	507	533	533

COASTAL WETLANDS RESTORATION TRUST FUND

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Corps of Engineers	3	8	8

RIVERS AND HARBORS CONTRIBUTED FUNDS—Continued

COASTAL WETLANDS RESTORATION TRUST FUND—Continued

(Budget authority in millions of dollars)

	2004 actual	2005 est.	2006 est.
Environmental Protection Agency	1	0	2
Fish & Wildlife Service	3	10	3
National Marine Fisheries Service	16	0	6
Natural Resources Conservation Service	16	5	5
Undistributed balance	20	35	37
Subtotal	59	58	61
Rivers and harbors contributed funds (mandatory)	7	8	8
Total program	66	66	69

COASTAL WETLANDS RESTORATION TRUST FUND

Program and Financing (in millions of dollars)

Identification code 96-8333-0-7-301	2004 actual	2005 est.	2006 est.
Obligations by program activity:			
00.01 Direct program activity	178	62	65
10.00 Total new obligations	178	62	65
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	208	89	85
22.00 New budget authority (gross)	59	58	61
23.90 Total budgetary resources available for obligation	267	147	146
23.95 Total new obligations	-178	-62	-65
24.40 Unobligated balance carried forward, end of year	89	85	81
New budget authority (gross), detail:			
Mandatory:			
62.00 Transferred from other accounts	59	58	61
Change in obligated balances:			
72.40 Obligated balance, start of year	119	264	282
73.10 Total new obligations	178	62	65
73.20 Total outlays (gross)	-33	-44	-57
74.40 Obligated balance, end of year	264	282	290
Outlays (gross), detail:			
86.98 Outlays from mandatory balances	33	44	57
Net budget authority and outlays:			
89.00 Budget authority	59	58	61
90.00 Outlays	33	44	57

The Coastal Wetlands Planning, Protection and Restoration Act (P.L. 101-646, Title III, as amended) directs the Secretary of the Interior to distribute to the Coastal Wetlands Restoration Trust Fund a portion of the amounts appropriated each fiscal year from the Sport Fish Restoration Account. The Louisiana Coastal Wetlands Conservation and Restoration Task Force, an interagency task force (consisting of the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service and the State of Louisiana) uses these funds to plan, set priorities, and carry out projects for the creation, protection, and restoration of coastal wetlands in the State of Louisiana.

Object Classification (in millions of dollars)

Identification code 96-8333-0-7-301	2004 actual	2005 est.	2006 est.
11.1 Personnel compensation: Full-time permanent	3	3	3
25.2 Other services	7	8	9
25.3 Other purchases of goods and services from Government accounts	80	51	53
32.0 Land and structures	88		
99.9 Total new obligations	178	62	65

Personnel Summary

Identification code 96-8333-0-7-301	2004 actual	2005 est.	2006 est.
Direct:			
1001 Total compensable workyears: Civilian full-time equivalent employment	41	40	40

SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Unavailable Receipts (in millions of dollars)

Identification code 96-8217-0-7-306	2004 actual	2005 est.	2006 est.
01.99 Balance, start of year	54	45	58
Receipts:			
02.40 Payment from the general fund, South Dakota terrestrial wildlife	10	10	10
02.41 Earnings on investments, South Dakota terrestrial wildlife habitat restoration	1	3	4
02.99 Total receipts and collections	11	13	14
04.00 Total: Balances and collections	65	58	72
Appropriations:			
05.00 South Dakota terrestrial wildlife habitat restoration trust fund	-10	-10	-10
05.01 South Dakota terrestrial wildlife habitat restoration trust fund	-10	10	10
05.99 Total appropriations	-20		
07.99 Balance, end of year	45	58	72

Program and Financing (in millions of dollars)

Identification code 96-8217-0-7-306	2004 actual	2005 est.	2006 est.
New budget authority (gross), detail:			
Mandatory:			
60.26 Appropriation (trust fund)	10	10	10
60.45 Portion precluded from obligation	-10	-10	-10
62.50 Appropriation (total mandatory)			
Net budget authority and outlays:			
89.00 Budget authority			
90.00 Outlays			
Memorandum (non-add) entries:			
92.01 Total investments, start of year: Federal securities: Par value	53	64	70
92.02 Total investments, end of year: Federal securities: Par value	64	70	80

This fund, authorized in the Water Resources Development Act of 1999 (P.L. 106-53), supports wildlife habitat restoration efforts undertaken by the State of South Dakota. The establishment of this fund satisfies the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 1661 et seq.) to mitigate for the loss of habitat due to flooding from the Oahe and Big Bend projects, which were part of the Pick-Sloan Missouri River Basin program.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles. (*Energy and Water Development Appropriations Act, 2005.*)

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. [Beginning in fiscal year 2005 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control, Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year, except that for environmental infrastructure projects, the \$10,000,000 limitation shall apply to each State wherein such projects are undertaken.] (a) *The Rivers and Harbors Appropriation Act of 1922, ch. 427; section 206 of Public Law 106–53; and section 107 of Public Law 108–137 are repealed.*

(b) *Section 2306b of title 10, U.S.C., is amended—*

(1) *in subsection (a)(6) by inserting “(A)” before the text and inserting the following new paragraph at the end:*

“(B) *The finding in subparagraph (A) is not required for purchases associated with water resources projects.*”;

(2) *in subsection (g) by inserting “(or, in the case of the civil works program of the Army Corps of Engineers, the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives)” after “congressional defense committees”;*

(3) *in subsection (i)(1) by inserting “(other than for purchases associated with water resources projects)” after “using multiyear contract authority”; and*

(4) *in subsection (l)(8) by—*

(A) *striking the words “or to” and inserting a comma in their place; and*

(B) *inserting “or the civil works program of the Army Corps of Engineers” after “the Coast Guard”.*

(c) *Section 2306c of title 10, U.S.C., is amended by—*

(1) *inserting the following new subsection (b)(6):*

“(6) *services associated with water resources projects.*”;

(2) *revising paragraph (5) subsection (d) by inserting “(or, in the case of the civil works program of the Army Corps of Engineers, the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives)” after “congressional defense committees”;*

(d) *In overseeing the use of multiyear contracts for water resources projects, the Secretary of the Army shall take all necessary steps in FY 2006 and thereafter to ensure that the Corps—*

(1) *limits the duration of each multiyear contract to the term needed to achieve a substantial reduction of costs on the margin; and*

(2) *limits the amount of the work performed each year on each project to the funding provided for that project during the fiscal year.*

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.]

SEC. 103. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.]

SEC. 104. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (Public Law 87–874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood

detention basin shall be consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.]

SEC. 105. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.]

SEC. 106. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.]

SEC. 107. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.]

SEC. 108. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA. (a) DEFINITION.—In this section, the term “Lake Tahoe Basin” means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin—

- (1) urban stormwater conveyance, treatment and related facilities;
- (2) watershed planning, science and research;
- (3) environmental restoration; and
- (4) surface water resource protection and development.

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

(e) LOCAL COOPERATION AGREEMENT.—

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

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

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

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

(3) COST SHARING.—

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

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

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

CORPS OF ENGINEERS—CIVIL—Continued

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, \$25,000,000, to remain available until expended.】

【SEC. 109. WATERSHED MANAGEMENT AND DEVELOPMENT. Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended in subsection (c) by inserting the following: “The non-Federal share of the cost to provide assistance for the Lake Tahoe watershed, California and Nevada, and Walker River Basin, Nevada may be provided as work-in-kind.”.】

【SEC. 110. The Assistant Secretary of the Army for Civil Works shall enter into an agreement with the Orange County Water District, Orange County, California for purposes of water conservation storage and operations to provide at a minimum a conservation level up to elevation 498 feet mean sea level during the flood season, and up to elevation 505 feet mean sea level during the non-flood season at Prado Dam, California. The Orange County Water District shall pay to the Government only the separable costs associated with implementation and operation and maintenance of Prado Dam for water conservation.】

【SEC. 111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA. (a) IN GENERAL.—The Secretary is authorized to construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

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

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

【SEC. 112. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.】

【SEC. 113. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.】

【SEC. 114. COASTAL WETLAND CONSERVATION PROJECT FUNDING. (a) FUNDING.—Section 306 of the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3955) is amended—

(1) in subsection (a), by striking “, not to exceed \$70,000,000.”;

(2) in subsection (b), by striking “, not to exceed \$15,000,000.”; and

(3) in subsection (c), by striking “, not to exceed \$15,000,000.”.

(b) PERIOD OF AUTHORIZATION.—Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking “2009” and inserting “2019”.】

【SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct a marina and associated facilities project capable of remaining in operation through extended drought conditions at Federal expense at Lake Sakakawea, North Dakota.】

【SEC. 116. CENTRAL CITY, FORT WORTH, TEXAS. The project for flood control and other purposes on the Trinity River and Tributaries, Texas, authorized by the River and Harbor Act of 1965 (Public Law 89–298), as modified, is further modified to authorize the Secretary to undertake the Central City River Project, as generally described in the Trinity River Vision Master Plan, dated April 2003, as amended, at a total cost not to exceed \$220,000,000, at a Federal cost of \$110,000,000, and a non-Federal cost of \$110,000,000, if the Secretary determines the work is technically sound and environmentally acceptable. The cost of work undertaken by the non-Federal interests before the date of execution of a project cooperation agreement shall be credited against the non-Federal share of project costs if the Secretary determines that the work is integral to the project.】

【SEC. 117. Notwithstanding any other provision of law, the Secretary of the Army is authorized to carry out, at full Federal expense, structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities.】

【SEC. 118. COOK INLET, ALASKA. (a) ANCHORAGE HARBOR.—

(1) HARBOR DEPTH.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary of the Army to construct a harbor depth of minus 45 feet mean lower low water for a length of 10,860 feet at the modified Port of Anchorage intermodal marine facility at each phase of facility modification as such phases are completed and thereafter as the entire project is completed.

(2) COST-SHARING.—If the Secretary determines that the modified Port of Anchorage will be used by vessels operated by the Department of Defense that have a draft of greater than 35 feet, the modification referred to in paragraph (1) shall be at full Federal expense.

(3) TRANSITIONAL DREDGING.—Before completion of the project modification described in paragraph (1), the Secretary may conduct dredging to a depth of at least minus 35 feet mean lower low water in such locations as will allow maintenance of navigation and vessel access to the Port of Anchorage intermodal marine facility during modification of such facility. Such work shall be carried out by the Secretary in accordance with section 101 of the River and Harbor Act of 1958.

(4) FACILITATING FACILITY MODIFICATION.—Before establishing the harbor depth of minus 45 feet mean lower low water, the Secretary may undertake dredging in accordance with section 101 of the River and Harbor Act of 1958 within the design footprint of the modified intermodal marine facility referred to in paragraph (1) to facilitate modification. The Secretary may carry out such dredging as part of operation and maintenance of the project modified by paragraph (1).

(5) MAINTENANCE.—Federal maintenance shall continue for the existing project until the modified intermodal marine facility is completed. Federal maintenance of the modified project shall be in accordance with section 101 of the River and Harbor Act of 1958; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for 10,860 feet referred to in paragraph (1).

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, to run the entire length of Fire Island Range and Point Woronzof Range and shall modify the depth of that channel to minus 45 feet mean lower low water. The channel shall be maintained at a depth of minus 45 feet mean lower low water.

(c) HYDRODYNAMIC MODELING.—The Secretary shall carry out hydrodynamic modeling of the Knik Arm to identify causes of, and measures to address, shoaling at the Port of Anchorage, at a total cost of \$3,000,000.

(d) ALTERNATIVES ANALYSIS.—No alternative other than the alternative authorized in this section shall be considered in any analysis of the modified project to be carried out by the Secretary in accordance with this section.】

【SEC. 119. NORTHERN WISCONSIN. Section 154(c) of title I of division B of the Miscellaneous Appropriations Act, 2001, enacted into law by the Consolidated Appropriations Act, 2001 (114 Stat. 2763A–252), is amended—

(1) by inserting after “design” the following: “, construction.”; and

(2) by inserting before “wastewater treatment” the following: “navigation and inland harbor improvement and expansion.”.】

【SEC. 120. ST. CROIX FALLS ENVIRONMENTAL INFRASTRUCTURE, WISCONSIN. ADDITIONAL ASSISTANCE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 335; 114 Stat. 2763A–220) is amended by adding at the end the following:

“(73) ST. CROIX FALLS, WISCONSIN.—\$5,000,000 for waste water infrastructure, St. Croix Falls, Wisconsin.”.】

【SEC. 121. BURNS HARBOR, INDIANA. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge sediments, at 100 percent Federal cost, in the vicinity of the Bailey (NIPSCO) intake structure that is approximately 5,000

feet east of and 2,300 feet north of the northern most point of the Burns Waterway Harbor Breakwater authorized by Public Law 89–298.]

【SEC. 122. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer the unexpended balance of funds appropriated in fiscal years 2003 and 2004 for the Duck River Water Supply Infrastructure Project, Cullman, Alabama, to the Appalachian Regional Commission.

(b) Funds transferred pursuant to subsection (a) of this section may be used for planning, engineering, and construction activities on the Duck River Water Supply Infrastructure Project under the Memorandum of Agreement between the Appalachian Regional Commission and the Army Corps of Engineers and may be used to reimburse the City of Cullman, Alabama, for expenses incurred by the City for planning and environmental work associated with the Project.】

【SEC. 123. With the funds previously provided under the account heading “Flood Control and Coastal Emergencies”, the Secretary of the Army, acting through the Chief of Engineers is directed to provide assistance to Yakutat, Alaska Dam.】

【SEC. 124. The Secretary of the Army, acting through the Chief of Engineers, shall not implement changes to existing shoreline protection policies that have not been specifically authorized by Congress.】 (*Energy and Water Development Appropriations Act, 2005.*)

【SEC. 402. For an additional amount to address storm damage, \$10,000,000 is provided for the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean-up Corps projects and facilities; dredge navigation channels; restore and clean out area streams; provide emergency streambank protection; restore other crucial public infrastructure (including sewer and water facilities); document flood impacts; and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers for federally declared disaster areas in West Virginia, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.】 (*Emergency Supplemental for Hurricane Disasters Assistance Act, 2005.*)

ALLOCATIONS RECEIVED FROM OTHER ACCOUNTS

Note.—Obligations incurred under allocations from other accounts are shown in the schedules of the parent appropriation as follows:

State and Private Forestry, Forest Service, Department of Agriculture.

Construction, National Park Service, Department of the Interior.

Federal Aid to Highways, Miscellaneous Studies, Reports, and Projects; Federal Highway Administration, Department of Transportation.

Bonneville Power Administration Fund (Power Marketing Administration), Department of Energy.