99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-1013

WATER RESOURCES DEVELOPMENT ACT OF 1986

OCTOBER 17, 1986.—Ordered to be printed

Mr. HOWARD, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 6]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1986".

(b) TABLE OF CONTENTS.—

Title I—Cost Sharing
Title II—Harbor Development
Title III—Inland Waterway Transportation System
Title IV—Flood Control
Title V—Shoreline Protection
Title VI—Water Resources Conservation and Development
Title VII—Water Resources Studies
Title VIII—Project Modifications
Title IX—General Provisions
Title X—Project Deauthorizations
Title XI—Miscellaneous Programs and Projects
Title XII—Dam Safety
Title XIII—Namings
Title XIV—Revenue Provisions

64-555 O

SEC. 2. DEFINITION OF SECRETARY.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 45 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 45 feet.

(2) ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to section 106. The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) shall be credited toward the payment required under this paragraph.

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interests for a project to which paragraph (1) applies shall provide the lands, easements, rights-of-way, relocations (other than utility relocations under paragraph (4)), and dredged material disposal areas necessary for the project.

(4) UTILITY RELOCATIONS.—The non-Federal interests for a project to which paragraph (1) applies shall perform or assure the performance of all relocations of utilities necessary to carry out the project, except that in the case of a project for a deep-draft harbor and in the case of a project constructed by non-Federal interests under section 204, one-half of the cost of each such relocation shall be borne by the owner of the facility being relocated and one-half of the cost of each such relocation shall be borne by the non-Federal interests.

(b) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed pursuant to this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(c) EROSION OR SHOALING ATTRIBUTABLE TO FEDERAL NAVIGATION WORKS.—Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

(d) NON-FEDERAL PAYMENTS DURING CONSTRUCTION.—The amount of any non-Federal share of the cost of any navigation project for a harbor or inland harbor shall be paid to the Secretary. Amounts required to be paid during construction shall be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

(e) AGREEMENT.—Before initiation of construction of a project to which this section applies, the Secretary and the non-Federal interests shall enter into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide to the Federal Government lands, easements, and rights-of-way, and to provide dredged material disposal areas and perform the necessary relocations required for construction, operation, and maintenance of such project;

(2) hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors;

(3) provide to the Federal Government the non-Federal share of all other costs of construction of such project; and

(4) in the case of a deep-draft harbor, be responsible for the non-Federal share of operation and maintenance required by subsection (b) of this section.

SEC. 102. INLAND WATERWAY TRANSPORTATION.

(a) CONSTRUCTION.—One-half of the costs of construction—

(1) of each project authorized by title III of this Act,

(2) of the project authorized by section 1103(j) of this Act, and

(3) allocated to inland navigation for the project authorized by section 844 of this Act,

shall be paid only from amounts appropriated from the general fund of the Treasury. One-half of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations necessary for the project.

(b) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of any project for navigation on the inland waterways is 100 percent.

(c) AUTHORIZATIONS FROM GENERAL FUND.—Any Federal responsibility—

(1) with respect to a project authorized by title III or section 1103(j), or

(2) with respect to the portion of the project authorized by section 844 allocated to inland navigation,

which responsibility is not provided for in subsection (a) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) FLOOD CONTROL.—

(1) GENERAL RULE.—The non-Federal interests for a project with costs assigned to flood control (other than a nonstructural project) shall—

(A) pay 5 percent of the cost of the project assigned to flood control during construction of the project;

(B) provide all lands, easements, rights-of-way, and dredged material disposal areas required only for flood control and perform all related necessary relocations; and

(C) provide that portion of the joint costs of lands, easements, rights-of-way, dredged material disposal areas, and relocations which is assigned to flood control.

(2) 25 PERCENT MINIMUM CONTRIBUTION.—If the value of the contributions required under paragraph (1) of this subsection is less than 25 percent of the cost of the project assigned to flood control, the non-Federal interest shall pay during construction of the project such additional amounts as are necessary so that the total contribution of the non-Federal interests under this subsection is equal to 25 percent of the cost of the project assigned to flood control.

(3) 50 PERCENT MAXIMUM.—The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

(4) DEFERRED PAYMENT OF AMOUNT EXCEEDING 30 PERCENT.—If the total amount of the contribution required under paragraph (1) of this subsection exceeds 30 percent of the cost of the project assigned to flood control, the non-Federal interests may pay the amount of the excess to the Secretary over a 15-year period (or such shorter period as may be agreed to by the Secretary and the non-Federal interests) beginning on the date construction of the project or separable element is completed, at an interest rate determined pursuant to section 106. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

(b) NONSTRUCTURAL FLOOD CONTROL PROJECTS.—The non-Federal share of the cost of nonstructural flood control measures shall be 25 percent of the cost of such measures. The non-Federal interests for any such measures shall be required to provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project, but shall not be required to contribute any amount in cash during construction of the project.

(c) OTHER PURPOSES.—The non-Federal share of the cost assigned to other project purposes shall be as follows:

(1) hydroelectric power: 100 percent, except that the marketing of such power and the recovery of costs of constructing, operat-

ing, maintaining, and rehabilitating such projects shall be in accordance with existing law: Provided, That after the date of enactment of this Act, the Secretary shall not submit to Congress any proposal for the authorization of any water resources project that has a hydroelectric power component unless such proposal contains the comments of the appropriate Power Marketing Administrator designated pursuant to section 302 of the Department of Energy Organization Act (Public Law 95–91) concerning the appropriate Power Marketing Administration's ability to market the hydroelectric power expected to be generated and not required in the operation of the project under the applicable Federal power marketing law, so that, 100 percent of operation, maintenance and replacement costs, 100 percent of the capital investment allocated to the purpose of hydroelectric power (with interest at rates established pursuant to or prescribed by applicable law), and any other costs assigned in accordance with law for return from power revenues can be returned within the period set for the return of such costs by or pursuant to such applicable Federal power marketing law;

(2) municipal and industrial water supply: 100 percent;

(3) agricultural water supply: 35 percent;

(4) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation;

(5) hurricane and storm damage reduction: 35 percent; and

(6) aquatic plant control: 50 percent of control operations.

(d) CERTAIN OTHER COSTS ASSIGNED TO PROJECT PURPOSES.—Costs of constructing projects or measures for beach erosion control and water quality enhancement shall be assigned to appropriate project purposes listed in subsections (a), (b), and (c) and shall be shared in the same percentage as the purposes to which the costs are assigned, except that all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private lands shall be borne by non-Federal interests and all costs assigned to the protection of federally owned shores shall be borne by the United States.

(e) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any project (including any small project which is not specifically authorized by Congress and for which the Secretary has not approved funding before the date of enactment of this Act), or separable element thereof, on which physical construction is initiated after April 30, 1986, as determined by the Secretary, except as provided in paragraph (2).

(2) EXCEPTIONS.—This section shall not apply to the Yazoo Basin, Mississippi, Demonstration Erosion Control program, authorized by Public Law 98–8, or to the Harlan, Kentucky, or Barbourville, Kentucky, elements of the project authorized by section 202 of Public Law 96–367.

(f) DEFINITION OF SEPARABLE ELEMENT.—For purposes of this Act, the term "separable element" means a portion of a project—

(1) which is physically separable from other portions of the project; and

(2) which—

(A) achieves hydrologic effects, or

(B) produces physical or economic benefits,

which are separately identifiable from those produced by other portions of the project.

(g) DEFERRAL OF PAYMENT.—(1) With respect to the projects listed in paragraph (2), no amount of the non-Federal share required under this section shall be required to be paid during the three-year period beginning on the date of enactment of this Act.

(2) The projects referred to in paragraph (1) are the following:

(A) Boeuf and Tensas Rivers, Tensas Basin, Louisiana and Arkansas, authorized by the Flood Control Act of 1946;

(B) Eight Mile Creek, Arkansas, authorized by Public Law 99-88; and

(C) Rocky Bayou Area, Yazoo Backwater Area, Yazoo Basin, Mississippi, authorized by the Flood Control Act approved August 18, 1941.

(h) ASSIGNED JOINT AND SEPARABLE COSTS.—The share of the costs specified under this section for each project purpose shall apply to the joint and separable costs of construction of each project assigned to that purpose, except as otherwise specified in this Act.

(i) LANDS, EASEMENTS, RIGHTS-OF-WAY, DREDGED MATERIAL DISPOSAL AREAS, AND RELOCATIONS.—The non-Federal interests for a project to which this section applies shall provide all lands, easements, rights-of-way, and dredged material disposal areas required for the project and perform all necessary relocations, except to the extent limited by any provision of this section. The value of any contribution under the preceding sentence shall be included in the non-Federal share of the project specified in this section.

(j) AGREEMENT.—

(1) REQUIREMENT FOR AGREEMENT.—Any project to which this section applies (other than a project for hydroelectric power) shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, and replacement and rehabilitation costs of the project, to pay the non-Federal share of the costs of construction required by this section, and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(2) ELEMENTS OF AGREEMENT.—The agreement required pursuant to paragraph (1) shall be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1818) and shall provide for the rights and duties of the United States and the non-Federal interest with respect to the construction, operation, and maintenance of the project, including, but not limited to, provisions specifying that, in the event the non-Federal interest fails to provide the required non-Federal share of costs for such work, the Secretary—

(A) shall terminate or suspend work on the project unless the Secretary determines that continuation of the work is in the interest of the United States or is necessary in order

to satisfy agreements with other non-Federal interests in connection with the project; and

(B) may terminate or adjust the rights and privileges of the non-Federal interest to project outputs under the terms of the agreement.

(k) PAYMENT OPTIONS.—Except as otherwise provided in this section, the Secretary may permit the full non-Federal contribution to be made without interest during construction of the project or separable element, or with interest at a rate determined pursuant to section 106 over a period of not more than thirty years from the date of completion of the project or separable element. Repayment contracts shall provide for recalculation of the interest rate at five-year intervals.

(l) DELAY OF INITIAL PAYMENT.—At the request of any non-Federal interest the Secretary may permit such non-Federal interest to delay the initial payment of any non-Federal contribution under this section or section 101 for up to one year after the date when construction is begun on the project for which such contribution is to be made. Any such delay in initial payment shall be subject to interest charges for up to six months at a rate determined pursuant to section 106.

(m) ABILITY TO PAY.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

SEC. 104. GENERAL CREDIT FOR FLOOD CONTROL.

(a) GUIDELINES.—Within one year after the date of enactment of this Act, the Secretary shall issue guidelines to carry out this section, consistent with the principles and guidelines on project formulation. The guidelines shall include criteria for determining whether work carried out by non-Federal interests is compatible with a project for flood control and procedures for making such determinations. The guidelines under this section shall be promulgated after notice in the Federal Register and opportunity for comment.

(b) ANALYSIS OF COSTS AND BENEFITS.—The guidelines established under subsection (a) shall provide for the Secretary to consider, in analyzing the costs and benefits of a proposed project for flood control, the costs and benefits produced by any flood control work carried out by non-Federal interests that the Secretary determines to be compatible with the project. For purposes of the preceding sentence the Secretary may consider only work carried out after the date which is 5 years before the first obligation of funds for the reconnaissance study for such project. In no case may work which was carried out more than 5 years before the date of the enactment of this Act be considered under this subsection, unless otherwise provided in this Act.

(c) CREDITING OF NON-FEDERAL SHARE.—The guidelines established under subsection (a) shall provide for crediting the cost of work carried out by the non-Federal interests against the non-Federal share of the cost of an authorized project for flood control as follows:

(1) Work which is carried out after the end of the reconnaissance study and before the submission to Congress of the final report of the Chief of Engineers on the project and which is determined by the Secretary to be compatible with the project shall be included as part of the project and shall be recommended by the Secretary in the final report for credit against the non-Federal share of the cost of the project.

(2) Work which is carried out after submission of the final report of the Chief of Engineers to Congress and which is determined by the Secretary to be compatible with the project shall be considered as part of the project and shall be credited by the Secretary against the non-Federal share of the cost of the project in accordance with the guidelines promulgated pursuant to subsection (a).

In no event may work which was carried out more than 5 years before the date of enactment of this Act be considered under this subsection, unless otherwise provided in this Act.

(d) PROCEDURE FOR WORK DONE BEFORE DATE OF ENACTMENT.—The Secretary shall consider, under subsections (b) and (c), work carried out before the date of enactment of this Act by non-Federal interests on a project for flood control, if the non-Federal interests apply to the Secretary for consideration of such work not later than March 31, 1987. The Secretary shall make determinations under subsections (b) and (c) with respect to such work not later than 6 months after guidelines are issued under subsection (a).

(e) PROCEDURE FOR WORK DONE AFTER DATE OF ENACTMENT.—The Secretary shall consider work carried out after the date of enactment of this Act by non-Federal interests on a project for flood control under subsections (b) and (c) in accordance with the guidelines issued under subsection (a). The guidelines shall require prior approval by the Secretary of any flood control work carried out after the date of enactment of this Act in order to be considered under this section, taking into account the economic and environmental feasibility of the project.

(f) LIMITATION NOT APPLICABLE.—Any flood control work included as part of the non-Federal share of the cost of a project under this section shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

(g) CASH CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the requirement of section 103(a)(1)(A).

SEC. 105. FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.

(a) FEASIBILITY STUDIES.—(1) The Secretary shall not initiate any feasibility study for a water resources project after the date of enactment of this Act until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost for such study during the period of such study. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.

(2) This subsection shall not apply to any water resources study primarily designed for the purposes of navigational improvements in the nature of dams, locks, and channels on the Nation's system of inland waterways.

(b) PLANNING AND ENGINEERING.—The Secretary shall not initiate any planning or engineering authorized by this Act for a water resources project until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the planning and engineering during the period of the planning and engineering.

(c) DESIGN.—Costs of design of a water resources project shall be shared in the same percentage as the purposes of such project.

SEC. 106. RATE OF INTEREST.

Whenever a non-Federal interest is required or elects to repay an amount under this Act over a period of time, the amount to be repaid shall include interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or in the case of recalculation the fiscal year in which the recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs; except that such rates for hydroelectric power shall be in accordance with existing law.

SEC. 107. LIMITATION ON APPLICABILITY OF CERTAIN PROVISIONS IN REPORTS.

If any provision in any report designated by this Act recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 108. GENERAL APPLICABILITY OF COST SHARING.

Unless otherwise specified, the cost sharing provisions of this title shall apply to all projects in this Act. The Federal share of any cost of a project authorized by this Act for which cost a Federal share is not established in this title, shall be the share of such cost otherwise provided by law.

SEC. 109. DEFINITIONS.

For purposes of this title, terms shall have the meanings given by section 214 of this Act.

TITLE II—HARBOR DEVELOPMENT

SEC. 201. DEEP-DRAFT HARBOR PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of $451,000,000, with an estimated first Federal cost of $255,000,000 and an estimated first non-Federal cost of $196,000,000; except that if non-Federal interests construct a bulk material transshipment fa-

cility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers.

MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers, dated April 9, 1983, at a total cost of $471,000,000, with an estimated first Federal cost of $178,000,000 and an estimated first non-Federal cost of $293,000,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

TEXAS CITY CHANNEL, TEXAS

The project for navigation, Galveston Bay Area, Texas City Channel, Texas: Report of the Chief of Engineers, dated March 11, 1986, at a total cost of $200,000,000, with an estimated first Federal cost of $130,000,000 and an estimated first non-Federal cost of $70,000,000.

NORFOLK HARBOR AND CHANNELS, VIRGINIA

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at a total cost of $551,000,000, with an estimated first Federal cost of $256,000,000 and an estimated first non-Federal cost of $295,000,000, including such modifications as the Secretary determines to be necessary and appropriate for mitigation of any damage to fish and wildlife resources resulting from construction, operation, and maintenance of each segment of the proposed project. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 70 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of land with the dredged material from the project, as Phase I of the San Pedro Bay development, at a total cost of $620,000,000, with an estimated first Federal cost of $310,000,000 and an estimated first non-Federal cost of $310,000,000.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 660 feet, at a total cost of $326,000,000, with an estimated first Federal cost of $156,000,000 and an estimated first non-Federal cost of $170,000,000. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. No disposal of dredged material from construction, operation, and maintenance of such features of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York.

SEC. 202. GENERAL CARGO AND SHALLOW HARBOR PROJECTS.

(a) AUTHORIZATION FOR CONSTRUCTION.—The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

KODIAK HARBOR, ALASKA

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, at a total cost of $15,000,000, with an estimated first Federal cost of $13,400,000 and an estimated first non-Federal cost of $1,600,000.

ST. PAUL ISLAND, ALASKA

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Chief of Engineers, dated August 10, 1983, at a total cost of $24,800,000, with an estimated first Federal cost of $11,800,000 and an estimated first non-Federal cost of $13,000,000.

OAKLAND OUTER HARBOR, CALIFORNIA

The project for navigation, Oakland Outer Harbor, California: Reports of the Chief of Engineers, dated January 7, 1980, and July 1, 1983, at a total cost of $45,900,000, with an estimated first Federal cost of $30,100,000 and an estimated first non-Federal cost of

$15,800,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate. The cost of any measures required for construction of the project to protect the Bay Area Rapid Transit facilities shall be undertaken by non-Federal interests and shall be credited toward the 10 percent payment required for such project under section 101(a)(2).

OAKLAND INNER HARBOR, CALIFORNIA

The project for navigation, Oakland Inner Harbor, California, Report of the Chief of Engineers, dated January 21, 1986, at a total cost of $28,100,000, with an estimated first Federal cost of $17,100,000 and an estimated first non-Federal cost of $11,000,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the existence of, and possible adverse effects of project dredging on, any underground freshwater aquifer in the project area.

RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at a total cost of $43,800,000, with an estimated first Federal cost of $26,500,000 and an estimated first non-Federal cost of $17,300,000.

SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at a total cost of $125,000,000, with an estimated first Federal cost of $76,000,000 and an estimated first non-Federal cost of $49,000,000.

NEW HAVEN HARBOR, CONNECTICUT

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as the Secretary determines to be necessary and appropriate to mitigate adverse effects of construction, operation, and maintenance of the proposed project on oyster beds and the production of oysters in New Haven Harbor, at a total cost of $26,500,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $7,500,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

PALM BEACH HARBOR, FLORIDA

The project for navigation, Palm Beach Harbor, Florida: Report of the Chief of Engineers, dated December 10, 1985, to assume maintenance, at an annual cost of $86,000.

MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at a total cost of $16,400,000, with an estimated first Federal cost of $9,500,000 and an estimated first non-Federal cost of $6,900,000, including such modifications as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of construction, operation, and maintenance of the project on the benthic environment of the area to be dredged. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an average annual cost of $471,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor Widening, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at a total cost of $14,700,000, with an estimated first Federal cost of $7,100,000 and an estimated first non-Federal cost of $7,600,000.

HILO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Chief of Engineers, dated December 4, 1984, at a total cost of $4,880,000, with an estimated first Federal cost of $3,380,000 and an estimated first non-Federal cost of $1,500,000.

GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at a total cost of $17,600,000, with an estimated first Federal cost of $10,300,000 and an estimated first non-Federal cost of $7,300,000.

MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at a total cost of $142,000,000, with an estimated first Federal cost of $55,500,000 and an estimated first non-Federal cost of $86,500,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980.

DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

(1) The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Chief of Engineers, dated August 16, 1984, at a total cost of $12,500,000, with an estimated first Federal cost of $6,710,000 and an estimated first non-Federal cost of $5,790,000, including such modifications as the Secretary determines to be necessary and appropriate to mitigate losses of fish and wildlife habitat and productivity. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

(2) The Secretary shall also study, in consultation with appropriate Federal, State, and local agencies and taking into consideration existing plans, studies, and reports, whether it would be more cost-effective and environmentally sound to control future sedimentation than to conduct periodic maintenance dredging of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for implementing measures to control sedimentation if such measures prove to be more cost-effective and environmentally sound.

PASCAGOULA HARBOR, MISSISSIPPI

The project for navigation, Pascagoula Harbor, Mississippi: Report of the Chief of Engineers, dated February 14, 1986, at a total cost of $59,100,000, with an estimated first Federal cost of $35,500,000 and an estimated first non-Federal cost of $23,600,000.

GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96–18, at a total cost of $81,700,000, with an estimated first Federal cost of $61,100,000 and an estimated first non-Federal cost of $20,600,000; except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the

purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal.

PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Chief of Engineers, dated February 25, 1985, at a total cost of $22,200,000, with an estimated first Federal cost of $16,700,000 and an estimated first non-Federal cost of $5,500,000, including such modifications as the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

GOWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at a total cost of $3,310,000, with an estimated first Federal cost of $1,540,000 and an estimated first non-Federal cost of $1,770,000. Notwithstanding section 101 of this Act, the non-Federal share of the cost of such project shall be determined in accordance with the report of the Chief of Engineers.

KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at a total cost of $325,000,000, with an estimated first Federal cost of $167,000,000 and an estimated first non-Federal cost of $158,000,000.

WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at a total cost of $10,000,000, with an estimated first Federal cost of $8,300,000 and an estimated first non-Federal cost of $1,700,000.

CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio, including bulkheading and other necessary repairs at pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels in the area south of pier 34. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project, at a total cost of not to exceed $36,000,000, with an estimat-

ed first Federal cost of $27,000,000 and an estimated first non-Federal cost of $9,000,000.

LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Report of the Chief of Engineers, dated February 5, 1985, at a total cost of $5,690,000, with an estimated first Federal cost of $3,740,000 and an estimated first non-Federal cost of $1,950,000.

CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the Chief of Engineers, dated August 27, 1981, including construction of an extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, Report of the Chief of Engineers, at a total cost of $88,500,000, with an estimated first Federal cost of $58,200,000 and an estimated first non-Federal cost of $30,300,000.

BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at a total cost of $31,900,000, with an estimated first Federal cost of $22,700,000 and an estimated first non-Federal cost of $9,200,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake measures which the Secretary determines to be necessary and appropriate to mitigate such losses.

BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96–26, at a total cost of $38,200,000, with an estimated first Federal cost of $26,200,000 and an estimated first non-Federal cost of $12,000,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, (2) construction of the bypass road is approved by the Governor of the State of Washington, and (3) the bypass road is approved through adoption of resolutions by both the Tacoma City Council and the Tacoma Port Commission. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

GRAYS HARBOR, WASHINGTON

The project for navigation, Grays Harbor, Washington: Report of the Chief of Engineers, dated May 4, 1985, at a total cost of $95,700,000, with an estimated first Federal cost of $63,100,000 and an estimated first non-Federal cost of $32,600,000.

EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Chief of Engineers, dated May 31, 1985, at a total cost of $60,200,000, with an estimated first Federal cost of $30,300,000 and an estimated first non-Federal cost of $29,900,000.

SAIPAN HARBOR, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The project for navigation and harbor modification, Saipan Harbor, Commonwealth of the Northern Mariana Islands: Report of the Secretary of the Interior, pursuant to Public Law 96-597, prepared by the Army Corps of Engineers dated July 22, 1981, at a total cost of $14,000,000.

SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $72,300,000, with an estimated first Federal cost of $52,700,000 and an estimated first non-Federal cost of $19,600,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Islands: Report of the Chief of Engineers, dated April 9, 1982, at a total cost of $8,290,000, with an estimated first Federal cost of $2,920,000 and an estimated first non-Federal cost of $5,370,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with

such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

FRESH KILLS IN CARTERET, NEW JERSEY

The project for navigation, Fresh Kills in Carteret, New Jersey, which project consists of extending the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and easing of such bends as the Secretary determines are necessary to enhance navigation, at a total cost of $26,000,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $6,500,000.

ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey, Report of the Board of Engineers for Rivers and Harbors, dated March 31, 1986, at a total cost of $42,600,000, with an estimated first Federal cost of $27,500,000 and an estimated first non-Federal cost of $15,100,000. At such time as construction may be initiated in accordance with the terms of this subsection, the project shall be included in and joined with the Kill van Kull and Newark Bay Channel, New York and New Jersey project under subsection (a) of this section.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at a total cost of $29,700,000, with an estimated first Federal cost of $21,000,000 and an estimated first non-Federal cost of $8,700,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at a total cost of $16,000,000, with an estimated first Federal cost of $11,300,000 and an estimated first non-Federal cost of $4,700,000. No disposal of dredged material from construction, operation, and maintenance of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following project for a harbor:

LAKE CHARLES, LOUISIANA

The project for deepening of the project for navigation, Lake Charles, Louisiana, to a depth of 45 feet, at a total cost of $1,070,000.

SEC. 203. STUDIES OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) SUBMISSION TO SECRETARY.—A non-Federal interest may on its own undertake a feasibility study of a proposed harbor or inland harbor project and submit it to the Secretary. To assist non-Federal interests, the Secretary shall, as soon as practicable, promulgate guidelines for studies of harbors or inland harbors to provide sufficient information for the formulation of studies.

(b) REVIEW BY SECRETARY.—The Secretary shall review each study submitted under subsection (a) for the purpose of determining whether or not such study and the process under which such study was developed comply with Federal laws and regulations applicable to feasibility studies of navigation projects for harbors or inland harbors.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after receiving any study submitted under subsection (a), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(d) CREDIT AND REIMBURSEMENT.—If a project for which a study has been submitted under subsection (a) is authorized by any provision of Federal law enacted after the date of such submission, the Secretary shall credit toward the non-Federal share of the cost of construction of such project an amount equal to the portion of the cost of developing such study that would be the responsibility of the United States if such study were developed by the Secretary.

SEC. 204. CONSTRUCTION OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—In addition to projects undertaken pursuant to sections 201 and 202 of this title, any non-Federal interest is authorized to undertake navigational improvements in harbors or inland harbors of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of the actual construction of such improvements.

(b) STUDIES AND ENGINEERING.—When requested by an appropriate non-Federal interest the Secretary is authorized to undertake all necessary studies and engineering for any construction to be undertaken under the terms of subsection (a) of this section, and provide technical assistance in obtaining all necessary permits, if the non-Federal interest contracts with the Secretary to furnish the United States funds for such studies and engineering during the period that they are conducted.

(c) COMPLETION OF STUDIES.—The Secretary is authorized to complete and transmit to the appropriate non-Federal interest any study for improvements to harbors or inland harbors of the United States which were initiated prior to the date of enactment of this Act, or, upon the request of such non-Federal interest, to terminate such study and transmit such partially completed study to the non-Federal interest. Studies under this subsection shall be completed without regard to the requirements of subsection (b) of this section.

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—Any non-Federal interest which has requested and received from the Secretary pursuant to subsection (b) or (c) of this section, the completed study and engineering for an improvement to a harbor or an inland harbor, or separable element thereof, for the purpose of constructing such im-

provement and for which improvement a final environmental impact statement has been filed, shall be authorized to carry out the terms of the plan for such improvement. Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits: Provided, That the Secretary determines that the applicable regulatory criteria and procedures have been satisfied. The Secretary shall monitor any project for which permits are granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in accordance with the terms and conditions of such permits.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to the enactment of appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of Federal share, without interest, of the cost of any authorized harbor or inland harbor improvement, or separable element thereof, constructed under the terms of this section if—

(A) after authorization of the project and before initiation of construction of the project or separable element—

(i) the Secretary approves the plans of construction of such project by such non-Federal interest, and

(ii) such non-Federal interest enters into an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of such project; and

(B) the Secretary finds before approval of the plans of construction of the project that the project, or separable element, is economically justified and environmentally acceptable.

(2) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing such plans, the Secretary shall consider budgetary and programmatic priorities, potential impacts on the cost of dredging projects nationwide, and other factors that the Secretary deems appropriate.

(3) MONITORING.—The Secretary shall regularly monitor and audit any project for a harbor or inland harbor constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary, and that costs are reasonable. No reimbursement shall be made unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and the approved plans.

(e) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest constructs improvements to any harbor or inland harbor, the Secretary shall be responsible for maintenance in accordance with section 101(b) if—

(1) the Secretary determines, before construction, that the improvements, or separable elements thereof, are economically jus-

tified, environmentally acceptable, and consistent with the purposes of this title;

(2) the Secretary certifies that the project is constructed in accordance with applicable permits and the appropriate engineering and design standards; and

(3) the Secretary does not find that the project, or separable element thereof, is no longer economically justified or environmentally acceptable.

(f) DEMONSTRATION OF NON-FEDERAL INTERESTS ACTING AS AGENT OF SECRETARY.—For the purpose of demonstrating the potential advantages and efficiencies of non-Federal management of projects, the Secretary may approve as many as two proposals pursuant to which the non-Federal interests will undertake part or all of a harbor project authorized by Congress as the agent of the Secretary by utilizing its own personnel or by procuring outside services, so long as the cost of doing so will not exceed the cost of the Secretary undertaking the project.

SEC. 205. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a harbor or inland harbor under section 204 or this section, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project reviews, and issuance of all permits for the construction of the project, including associated access channels, berthing areas, and onshore port-related facilities, before the initiation of construction. The non-Federal interest shall submit, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. A State shall not be required to participate in carrying out this section.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c). Within 30 days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after receipt of notice under subsection (a), the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with it and with related activities. Such schedule may not exceed two and one-half years from the date of the agreement.

(d) CONTENTS OF AGREEMENT.—The agreement entered into under subsection (c), to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(e) PRELIMINARY DECISION.—The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval.

(f) REVISION OF AGREEMENT.—The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

(g) PROGRESS REPORTS.—Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a harbor or inland harbor subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(h) FINAL DECISION.—Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(i) REPORT ON TIMESAVINGS METHODS.—Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for harbors or inland harbors and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 206. NONAPPLICABILITY TO SAINT LAWRENCE SEAWAY.

Sections 203, 204, and 205 do not apply to any harbor or inland harbor project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

SEC. 207. CONSTRUCTION IN USABLE INCREMENTS.

Any navigation project for a harbor or inland harbor authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

SEC. 208. PORT OR HARBOR DUES.

(a) CONSENT OF CONGRESS.—Subject to the following conditions, a non-Federal interest may levy port or harbor dues (in the form of tonnage duties or fees) on a vessel engaged in trade entering or departing from a harbor and on cargo loaded on or unloaded from that vessel under clauses 2 and 3 of section 10, and under clause 3 of section 8, of Article 1 of the Constitution:

(1) PURPOSES.—Port or harbor dues may be levied only in conjunction with a harbor navigation project whose construction is complete (including a usable increment of the project) and for the following purposes and in amounts not to exceed those necessary to carry out those purposes:

(A)(i) to finance the non-Federal share of construction and operation and maintenance costs of a navigation project for a harbor under the requirements of section 101 of this Act; or

(ii) to finance the cost of construction and operation and maintenance of a navigation project for a harbor under section 204 or 205 of this Act; and

(B) provide emergency response services in the harbor, including contingency planning, necessary personnel training, and the procurement of equipment and facilities.

(2) LIMITATION ON PORT OR HARBOR DUES FOR EMERGENCY SERVICE.—Port or harbor dues may not be levied for the purposes described in paragraph (1)(B) of this subsection after the dues cease to be levied for the purposes described in paragraph (1)(A) of this subsection.

(3) GENERAL LIMITATIONS.—(A) Port or harbor dues may not be levied under this section in conjunction with a deepening feature of a navigation improvement project on any vessel if that vessel, based on its design draft, could have utilized the project at mean low water before construction. In the case of project features which solely—

(i) widen channels or harbors,

(ii) create or enlarge bend easings, turning basins or anchorage areas, or provide protected areas, or

(iii) remove obstructions to navigation,

only vessels at least comparable in size to those used to justify these features may be charged under this section.

(B) In developing port or harbor dues that may be charged under this section on vessels for project features constructed under this title, the non-Federal interest may consider such criteria as: elapsed time of passage, safety of passage, vessel economy of scale, under keel clearance, vessel draft, vessel squat, vessel speed, sinkage, and trim.

(C) Port or harbor dues authorized by this section shall not be imposed on—

(i) vessels owned and operated by the United States Government, a foreign country, a State, or a political subdivision of a country or State, unless engaged in commercial services;

(ii) towing vessels, vessels engaged in dredging activities, or vessels engaged in intraport movements; or

(iii) vessels with design drafts of 20 feet or less when utilizing general cargo and deep-draft navigation projects.

(4) FORMULATION OF PORT OR HARBOR DUES.—Port or harbor dues may be levied only on a vessel entering or departing from a harbor and its cargo on a fair and equitable basis. In formulating port and harbor dues, the non-Federal interest shall consider—

(A) the direct and indirect cost of construction, operations, and maintenance, and providing the facilities and services under paragraph (1) of this subsection;

(B) the value of those facilities and services to the vessel and cargo;

(C) the public policy or interest served; and

(D) any other pertinent factors.

(5) NOTICE AND HEARING.—(A) Before the initial levy of or subsequent modification to port or harbor dues under this section, a non-Federal interest shall transmit to the Secretary—

(i) the text of the proposed law, regulation, or ordinance that would establish the port or harbor dues, including provisions for their administration, collection, and enforcement;

(ii) the name, address, and telephone number of an official to whom comments on and requests for further information on the proposal are to be directed;

(iii) the date by which comments on the proposal are due and a date for a public hearing on the proposal at which any interested party may present a statement; however, the non-Federal interest may not set a hearing date earlier than 45 days after the date of publication of the notice in the Federal Register required by subparagraph (B) of this paragraph or set a deadline for receipt of comments earlier than 60 days after the date of publication; and

(iv) a written statement signed by an appropriate official that the non-Federal interest agrees to be governed by the provisions of this section.

(B) On receiving from a non-Federal interest the information required by subparagraph (A) of this paragraph, the Secretary shall transmit the material required by clauses (i) through (iii) of subparagraph (A) of this paragraph to the Federal Register for publication.

(C) Port or harbor dues may be imposed by a non-Federal interest only after meeting the conditions of this paragraph.

(6) REQUIREMENTS ON NON-FEDERAL INTEREST.—A non-Federal interest shall—

(A) file a schedule of any port or harbor dues levied under this subsection with the Secretary and the Federal Maritime Commission, which the Commission shall make available for public inspection;

(B) provide to the Comptroller General of the United States on request of the Comptroller General any records or other evidence that the Comptroller General considers to be necessary and appropriate to enable the Comptroller General to carry out the audit required under subsection (b) of this section;

(C) designate an officer or authorized representative, including the Secretary of the Treasury acting on a cost-reimbursable basis, to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of port or harbor dues, export declarations from shippers, consignors, and terminal operators, and such other documents as the non-Federal interest may by law, regulation, or ordinance require for the imposition, computation, and collection of port or harbor dues; and

(D) consent expressly to the exclusive exercise of Federal jurisdiction under subsection (c) of this section.

(b) AUDITS.—The Comptroller General of the United States shall—

(1) carry out periodic audits of the operations of non-Federal interests that elect to levy port or harbor dues under this section to determine if the conditions of subsection (a) of this section are being complied with;

(2) submit to each House of the Congress a written report containing the findings resulting from each audit; and

(3) make any recommendations that the Comptroller General considers appropriate regarding the compliance of those non-Federal interests with the requirements of this section.

(c) JURISDICTION.—(1) The district court of the United States for the district in which is located a non-Federal interest that levies port or harbor dues under this section has original and exclusive jurisdiction over any matter arising out of or concerning, the imposition, computation, collection, and enforcement of port or harbor dues by a non-Federal interest under this section.

(2) Any person who suffers legal wrong or is adversely affected or aggrieved by the imposition by a non-Federal interest of a proposed scheme or schedule of port or harbor dues under this section may, not later than 180 days after the date of hearing under subsection (a)(5)(A)(iii) of this section, commence an action to seek judicial review of that proposed scheme or schedule in the appropriate district court under paragraph (1).

(3) On petition of the Attorney General or any other party, that district court may—

(A) grant appropriate injunctive relief to restrain an action by that non-Federal interest violating the conditions of consent in subsection (a) of this section;

(B) order the refund of any port or harbor dues not lawfully collected; and

(C) grant other appropriate relief or remedy.

(d) COLLECTION OF DUTIES.—

(1) DELIVERY OF CERTIFICATE AND MANIFEST.—

(A) UPON ARRIVAL OF VESSEL.—Upon the arrival of a vessel in a harbor in which the vessel may be subject to the levy of port or harbor dues under this section, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect.

(B) BEFORE DEPARTURE OF VESSEL.—The shipper, consignor, or terminal operator having custody of any cargo to be loaded on board a vessel while the vessel is in a harbor in which the vessel may be subject to the levy of port or harbor dues under this section shall, within forty-eight hours before departure of that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section an export declaration specifying the cargo to be loaded on board that vessel.

(e) ENFORCEMENT.—At the request of an authorized representative referred to in subsection (a)(6)(C) of this section, the Secretary of the Treasury may:

(1) withhold the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) for a vessel if the master, owner, or operator of a vessel subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation or ordinance issued hereunder; and

(2) assess a penalty or initiate a forfeiture of the cargo in the same manner and under the same procedures as are applicable for failure to pay customs duties under the Tariff Act of 1930 (19 App. U.S.C. 1202 et seq.) if the shipper, consignor, consignee, or terminal operator having title to or custody of cargo subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation, or ordinance issued hereunder.

(f) MARITIME LIEN.—Port or harbor dues levied under this section against a vessel constitute a maritime lien against the vessel and port or harbor dues levied against cargo constitute a lien against the cargo that may be recovered in an action in the district court of the United States for the district in which the vessel or cargo is found.

SEC. 209. INFORMATION FOR NATIONAL SECURITY.

Any non-Federal interest shall provide the United States the information necessary for military readiness planning and harbor, inland harbor, and national security, including information necessary to obtain national security clearances for individuals employed in critical harbor and inland harbor positions.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) TRUST FUND.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2) not more than 40 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) GENERAL FUND.—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all

eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

SEC. 211. ALTERNATIVES TO MUD DUMP FOR DISPOSAL OF DREDGED MATERIAL.

(a) DESIGNATION OF ALTERNATIVE SITES.—Not later than three years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate one or more sites in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 for the disposal of dredged material which, without such designation, would be disposed of at the Mud Dump (as defined in subsection (g)). The designated site or sites shall be located not less than 20 miles from the shoreline. The Administrator, in determining sites for possible designation under this subsection, shall consult with the Secretary and appropriate Federal, State, interstate, and local agencies.

(b) USE OF NEWLY DESIGNATED SITE.—Beginning on the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), any ocean disposal of dredged material (other than acceptable dredged material) by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation shall take place at the newly designated ocean disposal site or sites under subsection (a) in lieu of the Mud Dump.

(c) INTERIM AVAILABILITY OF LAWFUL SITES.—Until the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), there shall be available a lawful site for the ocean disposal of dredged material by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation.

(d) STATUS REPORTS.—Not later than one year after the date of enactment of this Act and annually thereafter until the designation of one or more sites under subsection (a), the Administrator of the Environmental Protection Agency shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the status of such designation.

(e) FUTURE USE OF MUD DUMP RESTRICTED TO ACCEPTABLE DREDGED MATERIAL.—Notwithstanding any other provision of law, including any regulation, the Secretary shall ensure that, not later than the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), all existing and future Department of the Army permits and authorizations for disposal of dredged material at the Mud Dump shall be modified, revoked, and issued (as appropriate) to ensure that only acceptable dredged material will be disposed of at such site and that all other dredged material determined to be suitable for ocean disposal will be disposed of at the site or sites designated pursuant to subsection (a) of this section.

(f) Definition of Acceptable Dredged Material.—For purposes of this section, the term "acceptable dredged material" means rock, beach quality sand, material excluded from testing under the ocean dumping regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972, and any other dredged material (including that from new work) determined by the Secretary, in consultation with the Administrator, to be substantially free of pollutants.

(g) Definition of Mud Dump.—For purposes of this section, the term "Mud Dump" means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees 23 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; and 40 degrees 23 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W.

SEC. 212. EMERGENCY RESPONSE SERVICES.

(a) Grants.—The Secretary is authorized to make grants to any non-Federal interest operating a project for a harbor for provision of emergency response services in such harbor (including contingency planning, necessary personnel training, and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

(b) Authorization of Appropriations.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, and ending before October 1, 1992, $5,000,000.

SEC. 213. HARBOR OFFICE AT MORRO BAY, CALIFORNIA.

For reasons of navigation safety, subject to section 903(a) of this Act, the Secretary is authorized to make a grant to the non-Federal interest operating Morro Bay Harbor, California, for construction of a new harbor office at such harbor, at a total cost of $500,000, with an estimated first Federal cost of $375,000 and an estimated first non-Federal cost of $125,000.

SEC. 214. DEFINITIONS.

For purposes of this title—

(1) Deep-draft harbor.—The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) Eligible operations and maintenance.—(A) Except as provided in subparagraph (B), the term "eligible operations and maintenance" means all operations, maintenance, repair, and rehabilitation, including maintenance dredging reasonably necessary to maintain the width and nominal depth of any harbor or inland harbor.

(B) As applied to the Saint Lawrence Seaway, the term "eligible operations and maintenance" means all operations, mainte-

nance, repair, and rehabilitation, including maintenance dredging reasonably necessary to keep such Seaway or navigation improvements operated or maintained by the Saint Lawrence Seaway Development Corporation in operation and reasonable state of repair.

(C) The term "eligible operations and maintenance" does not include providing any lands, easements, rights-of-way, or dredged material disposal areas, or performing relocations required for project operations and maintenance.

(3) GENERAL CARGO HARBOR.—The term "general cargo harbor" means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than 45 feet;

(4) HARBOR.—The term "harbor" means any channel or harbor, or element thereof, in the United States, capable of being utilized in the transportation of commercial cargo in domestic or foreign waterborne commerce by commercial vessels. The term does not include—

(A) an inland harbor;

(B) the Saint Lawrence Seaway;

(C) local access or berthing channels;

(D) channels or harbors constructed or maintained by nonpublic interests; and

(E) any portion of the Columbia River other than the channels on the downstream side of Bonneville lock and dam.

(5) INLAND HARBOR.—The term "inland harbor" means a navigation project which is used principally for the accommodation of commercial vessels and the receipt and shipment of waterborne cargoes on inland waters. The term does not include—

(A) projects on the Great Lakes;

(B) projects that are subject to tidal influence;

(C) projects with authorized depths of greater than 20 feet;

(D) local access or berthing channels; and

(E) projects constructed or maintained by nonpublic interests.

(6) NOMINAL DEPTH.—The term "nominal depth" means, in relation to the stated depth for any navigation improvement project, such depth, including any greater depths which must be maintained for any harbor or inland harbor or element thereof included within such project in order to ensure the safe passage at mean low tide of any vessel requiring the stated depth.

(7) NON-FEDERAL INTEREST.—The term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970 and includes any interstate agency and port authority established under a compact entered into between two or more States with the consent of Congress under section 10 of Article I of the Constitution.

(8) UNITED STATES.—The term "United States" means all areas included within the territorial boundaries of the United States, including the several States, the District of Columbia,

the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession over which the United States exercises jurisdiction.

SEC. 215. SHORT TITLE.

This title may be cited as the "Harbor Development and Navigation Improvement Act of 1986".

TITLE III—INLAND WATERWAY TRANSPORTATION SYSTEM

SEC. 301. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the benefit of navigation are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

OLIVER LOCK AND DAM, BLACK WARRIOR-TOMBIGBEE RIVER, ALABAMA

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama: Report of the Chief of Engineers, dated September 26, 1984, at a total cost of $150,000,000, with a first Federal cost of $150,000,000.

LOCKS AND DAMS 5 THROUGH 14, KENTUCKY RIVER, KENTUCKY

Disposition of Kentucky River, Kentucky, Locks and Dams 5 through 14, Report of the Chief of Engineers, dated July 2, 1984, for disposition purposes without any construction cost.

GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, and Supplemental Report of the Chief of Engineers, dated August 13, 1983, at a total cost of $285,000,000, with a first Federal cost of $285,000,000.

BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, and the Supplement thereto, dated February 10, 1981, at a total cost of $191,000,000, with a first Federal cost of $191,000,000. Dredged material from the project shall be disposed of at such sites considered by the Secretary to be appropriate to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period.

LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at a total cost of $123,000,000, with a first Federal cost of $123,000,000.

LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at a total cost of $82,900,000, with a first Federal cost of $82,900,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at a total cost of $153,000,000, with a first Federal cost of $153,000,000.

SEC. 302. INLAND WATERWAYS USERS BOARD.

(a) ESTABLISHMENT OF USERS BOARD.—There is hereby established an Inland Waterway Users Board (hereinafter in this section referred to as the "Users Board") composed of the eleven members selected by the Secretary, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways. The Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Users Board.

(b) DUTIES.—The Users Board shall meet at least semi-annually to develop and make recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels on the commercial navigational features and components of the inland waterways and inland harbors of the United States for the following fiscal years. Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board. The Users Board shall, by December 31, 1987, and an-

nually thereafter file such recommendations with the Secretary and with the Congress.

(c) ADMINISTRATION.—The Users Board shall be subject to the Federal Advisory Committee Act (83 Stat. 770; 5 U.S.C. App.), other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency. Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

TITLE IV—FLOOD CONTROL

SEC. 401. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the control of destructive floodwaters are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $31,600,000, with an estimated first Federal cost of $23,600,000 and an estimated first non-Federal cost of $8,000,000.

THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Chief of Engineers, dated April 20, 1984, at a total cost of $19,100,000, with an estimated first Federal cost of $13,400,000 and an estimated first non-Federal cost of $5,700,000.

LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $11,900,000, with an estimated first Federal cost of $8,940,000 and an estimated first non-Federal cost of $2,960,000.

EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, at a total cost of $16,100,000, with an estimated first Federal cost of $11,200,000 and an estimated first non-Federal cost of $4,900,000.

FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $33,400,000, with an estimated first Federal cost of $25,100,000 and an estimated first non-Federal cost of $8,300,000.

HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at a total cost of $15,000,000, with an estimated first Federal cost of $11,200,000 and an estimated first non-Federal cost of $3,800,000.

WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Chief of Engineers, dated September 7, 1984, at a total cost of $21,900,000, with an estimated first Federal cost of $15,400,000 and an estimated first non-Federal cost of $6,500,000.

CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at a total cost of $28,500,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $9,500,000, except that, in lieu of constructing the recommended bypass channel, the Secretary shall accomplish the purposes of the project by removing the rock formation at the outlet channel and widening and deepening the channel in accordance with alternative 8 as described in the Feasibility Study of the District Engineer dated August 1979. The Secretary shall act in coordination with the State of California to assure that such project poses no danger to any component of its State park system.

REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at a total cost of $84,600,000, with an estimated first Federal cost of $64,900,000 and an estimated first non-Federal cost of $19,700,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on groundwater and to maximize benefits to groundwater, including ground water recharge.

SANTA ANA RIVER MAINSTEM, CALIFORNIA

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at a total cost of $1,090,000,000, with an estimated first Federal cost of $809,000,000 and an estimated first non-Federal cost of $281,000,000, except that in lieu of the Mentone Dam feature of the project and subject to the provisions of section 903(b) of this Act, the Secretary is authorized to plan, design, and construct a flood control storage dam on the upper Santa Ana River. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood. If a non-Federal sponsor agrees to pay at least 50 percent of the cost of such investigation, the Secretary is authorized to investigate the feasibility of including water supply and conservation storage at Prado Dam. The Secretary of the Interior, in consultation with the Secretary, shall carry out such studies and analyses as he deems necessary to deter-

mine (1) the effects of water supply and conservation at Prado Dam on existing oil and gas leasehold interests owned by Prado Petroleum Company, and (2) the feasibility of exchanging the leasehold interests owned by Prado Petroleum Company for property of substantially equivalent value under the jurisdiction of the Secretary of the Interior. Such studies and analyses shall be completed within one year of the date of enactment of this Act. Pursuant to the Water Supply Act of 1958, any additional water supply and conservation storage at Prado Dam as may be recommended by the Secretary based on the investigation under this paragraph is authorized upon the exchange of leasehold interests in accordance with the recommendations of the Secretary of the Interior's studies. Nothing in this paragraph affects the Secretary's and the Secretary of the Interior's existing authority to operate Prado Dam for water supply and conservation.

FOUNTAIN CREEK, COLORADO

The project for flood control, Fountain Creek, Pueblo, Colorado phase I GDM: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $8,600,000, with an estimated first Federal cost of $6,320,000 and an estimated first non-Federal cost of $2,280,000.

METROPOLITAN DENVER, COLORADO

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Reports of the Chief of Engineers, dated December 23, 1981, and July 14, 1983, House Document Numbered 98-265, at a total cost of $10,800,000, with an estimated first Federal cost of $8,100,000 and an estimated first non-Federal cost of $2,700,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

OATES CREEK, GEORGIA

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $13,700,000, with an estimated first Federal cost of $9,600,000 and an estimated first non-Federal cost of $4,100,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Chief of Engineers, dated August 15, 1983, at a total cost of $7,860,000, with an estimated first Federal cost of $5,500,000 and an estimated first non-Federal cost of $2,360,000.

LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, Senate Document Numbered 96–9, at a total cost of $4,530,000, with an estimated first Federal cost of $3,400,000 and an estimated first non-Federal cost of $1,130,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at a total cost of $31,300,000, with an estimated first Federal cost of $23,500,000 and an estimated first non-Federal cost of $7,800,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock Island, dated February 1979. Before the acquisition of land for, or the actual construction of, the project the Secretary shall study the probable effects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT, ILLINOIS

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Chief of Engineers, dated January 24, 1984, at a total cost of $11,900,000, with an estimated first Federal cost of $8,900,000 and an estimated first non-Federal cost of $3,000,000. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat.

NORTH BRANCH OF CHICAGO RIVER, ILLINOIS

The project for flood protection for the North Branch of the Chicago River, Illinois: Report of the Chief of Engineers, dated October 29, 1984, at a total cost of $22,700,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $7,700,000. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River and by the Mid Fork Reservoir and the Mid Fork Pumping Station constructed by non-Federal interests on the Middle Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 50 percent of the costs of planning and construction of such reservoirs and pumping station.

O'HARE SYSTEM OF THE CHICAGOLAND UNDERFLOW PLAN, ILLINOIS

The project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois: Report of the Chief of Engineers, dated June 3, 1985, at a total cost of $18,400,000, with an estimated first Federal cost of $14,800,000 and an estimated first non-Federal cost of $3,600,000, except that the capacity of the flood control reservoir shall be at least 1,050 acre-feet in order to provide optimum storage capacity for flood control purposes.

LITTLE CALUMET RIVER, INDIANA

The project for flood control, Little Calumet River, Indiana: In accordance with plan 3A contained in the Report of the Chief of Engineers, dated July 2, 1984, provided that all of the features of the plan 3A as recommended by and described in the report of the District Engineer are included, at a total cost of $87,100,000, with an estimated first Federal cost of $65,300,000 and an estimated first non-Federal cost of $21,800,000.

LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), INDIANA

The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, designated as Plan D as described in the Final Feasibility Report of the District Engineer, dated April 1984, at a total cost of $11,200,000, with an estimated first Federal cost of $6,600,000 and an estimated first non-Federal cost of $4,600,000.

GREEN BAY LEVEE AND DRAINAGE DISTRICT NUMBER 2, IOWA

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at a total cost of $6,850,000, with an estimated first Federal cost of $5,140,000 and an estimated first non-Federal cost of $1,710,000.

PERRY CREEK, IOWA

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, House Document Numbered 98-179, at a total cost of $44,600,000, with an estimated first Federal cost of $31,200,000 and an estimated first non-Federal cost of $13,400,000.

DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at a total cost of $15,200,000, with an estimated first Federal cost of $10,900,000 and an estimated first non-Federal cost of $4,300,000. The Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing increased flood stages along Jordon Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of non-

structural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps.

HALSTEAD, KANSAS

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at a total cost of $7,200,000, with an estimated first Federal cost of $5,400,000 and an estimated first non-Federal cost of $1,800,000, including the acquisition of such additional lands and access points as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study.

UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Chief of Engineers, dated December 18, 1983, at a total cost of $12,400,000, with an estimated first Federal cost of $9,300,000 and an estimated first non-Federal cost of $3,100,000.

ARKANSAS CITY, KANSAS

The project for flood control, Arkansas City, Kansas: Report of the Chief of Engineers dated September 9, 1985, at a total cost of $14,500,000, with an estimated first Federal cost of $10,880,000 and an estimated first non-Federal cost of $3,620,000.

BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Reports of the Chief of Engineers, dated April 30, 1980, and August 12, 1982, at a total cost of $45,700,000, with an estimated first Federal cost of $32,800,000 and an estimated first non-Federal cost of $12,900,000.

LOUISIANA STATE PENITENTIARY LEVEE

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated December 10, 1982, at a total cost of $23,400,000, with an estimated first Federal cost of $17,600,000 and an estimated first non-Federal cost of $5,800,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

QUINCY COASTAL STREAMS, MASSACHUSETTS

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Reports of the Chief of Engineers, dated December 14, 1981 and December 13, 1984, at a total cost of $27,400,000, with an estimated first Federal cost of $20,600,000 and an estimated first non-Federal cost of $6,800,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

ROUGHANS POINT, MASSACHUSETTS

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Chief of Engineers, dated May 4, 1985, at a total cost of $9,200,000, with an estimated first Federal cost of $6,400,000 and an estimated first non-Federal cost of $2,800,000.

REDWOOD RIVER, MINNESOTA

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $4,370,000, with an estimated first Federal cost of $3,100,000 and an estimated first non-Federal cost of $1,270,000.

ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96-17, at a total cost of $8,360,000, with an estimated first Federal cost of $6,270,000 and an estimated first non-Federal cost of $2,090,000.

SOUTH FORK ZUMBRO RIVER, MINNESOTA

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, at a total cost of $61,500,000, with an estimated first Federal cost of $46,000,000 and an estimated first non-Federal cost of $15,500,000.

MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at a total cost of $8,610,000, with an estimated first Federal cost of $6,460,000 and an estimated first non-Federal cost of $2,150,000.

SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the Chief of Engineers, dated February 25, 1985, at a total cost of $17,500,000, with an estimated first Federal cost of $12,300,000 and an estimated first non-Federal cost of $5,200,000.

MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at a total cost of

$62,900,000, with an estimated first Federal cost of $43,700,000 and an estimated first non-Federal cost of $19,200,000.

ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at a total cost of $112,000,000, with an estimated first Federal cost of $78,500,000 and an estimated first non-Federal cost of $33,500,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 908 of this Act, and except that lands acquired by the State of Missouri after January 1, 1982, for mitigation of damage to fish and wildlife within the Ten Mile Pond mitigation area shall be counted as part of the total quantity of mitigation lands required for the project and shall be maintained by such State for such purpose.

STE. GENEVIEVE, MISSOURI

The project for flood control, Ste. Genevieve, Missouri: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at a total cost of $34,400,000, with an estimated first Federal cost of $25,800,000 and an estimated first non-Federal cost of $8,600,000. Congress finds that, in view of the historic preservation benefits resulting from the project, the overall benefits of the project exceed the costs of the project.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at a total cost of $16,100,000, with an estimated first Federal cost of $12,100,000 and an estimated first non-Federal cost of $4,000,000.

CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Chief of Engineers, dated December 8, 1984, at a total cost of $25,100,000, with an estimated first Federal cost of $18,700,000 and an estimated first non-Federal cost of $6,400,000, except that the project shall include the nonstructural measures recommended in the Report of the Division Engineer, dated January 3, 1983.

PAPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA

The project for flood control, Papillion Creek and Tributaries Lakes, Nebraska: Report of the Chief of Engineers, dated June 12, 1986, at a total cost of $6,400,000, with an estimated first Federal cost of $4,800,000 and an estimated first non-Federal cost of $1,600,000.

RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96–20, at a total cost of $17,500,000, with an estimated first Federal cost of $12,500,000 and an estimated first non-Federal cost of $5,000,000.

ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96–21, at a total cost of $26,600,000, with an estimated first Federal cost of $20,000,000 and an estimated first non-Federal cost of $6,600,000.

GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $203,000,000, with an estimated first Federal cost of $151,000,000 and an estimated first non-Federal cost of $52,000,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

MOLLY ANN'S BROOK, NEW JERSEY

The project for flood control, Molly Ann's Brook, New Jersey: Report of the Chief of Engineers dated December 31, 1985, at a total cost of $21,600,000, with an estimated first Federal cost of $16,200,000 and an estimated first non-Federal cost of $5,400,000.

LOWER SADDLE RIVER, NEW JERSEY

The project for flood control, Lower Saddle River, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $36,500,000, with an estimated first Federal cost of $25,800,000 and an estimated first non-Federal cost of $10,700,000, including such modifications as the Secretary determines to be necessary and appropriate to improve aquatic habitat, including but not limited to the following instream habitat structures: pool-riffle areas, submerged scour holes, wing dam deflectors, and low-flow pilot channels. The instream habitat structures shall be carried out on the Saddle River beginning at Grove Street in Ridgewood, New Jersey, and continuing downstream to the Passaic River, on Sprout Brook from the Garden State Parkway to the Saddle River, and on Hohokus Brook from Grove Street downstream to the Saddle River.

RAMAPO RIVER AT OAKLAND, NEW JERSEY

The project for flood control, Ramapo River at Oakland, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $6,450,000, with an estimated first Federal cost of $4,840,000 and an estimated first non-Federal cost of $1,610,000.

RAMAPO AND MAHWAH RIVERS, NEW JERSEY AND NEW YORK

The project for flood control, Ramapo and Mahwah Rivers, New Jersey and New York: Report of the Chief of Engineers dated November 27, 1984, at a total cost of $6,260,000, with an estimated first Federal cost of $4,630,000 and an estimated first non-Federal cost of $1,630,000.

MIDDLE RIO GRANDE, NEW MEXICO

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at a total cost of $44,900,000, with an estimated first Federal cost of $33,700,000 and an estimated first non-Federal cost of $11,200,000. The Secretary is authorized also to increase flood protection through the dredging of the bed of the Rio Grande in the vicinity of Albuquerque, New Mexico, to an elevation lower than existed on the date of enactment of this Act. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque District, in his report dated June 13, 1979.

PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $4,190,000, with an estimated first Federal cost of $3,140,000 and an estimated first non-Federal cost of $1,050,000.

CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96–126, at a total cost of $2,050,000, with an estimated first Federal cost of $1,540,000 and an estimated first non-Federal cost of $510,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers, dated April 4, 1979, at a total cost of $68,500,000, with an estimated first Federal cost of $51,400,000 and an estimated first non-Federal cost of $17,100,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA

The project for flood control, Sugar Creek Basin, North Carolina and South Carolina: Report of the Chief of Engineers dated February 1, 1985, at a total cost of $29,700,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $10,200,000.

SHEYENNE RIVER, NORTH DAKOTA

The project for flood control, Sheyenne River, North Dakota: Report of the Chief of Engineers dated August 22, 1984, at a total cost of $56,300,000, with an estimated first Federal cost of $39,500,000 and an estimated first non-Federal cost of $16,800,000. Such project shall include a dam and reservoir of approximately 35,000 acre-feet of storage for the purpose of flood protection on the Maple River. Modification of the Baldhill Dam for dam safety considerations shall not preclude the implementation of those project features not dependent on such safety modifications.

PARK RIVER, GRAFTON, NORTH DAKOTA

The project for flood control, Park River, Grafton, North Dakota: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $19,100,000, with an estimated first Federal cost of $14,300,000 and an estimated first non-Federal cost of $4,800,000.

MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at a total cost of $6,420,000, with an estimated first non-Federal cost of $4,820,000 and an estimated first non-Federal cost of $1,600,000. The Congress finds that the overall benefits of the project exceed the costs of the project.

MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at a total cost of $4,260,000, with an estimated first Federal cost of $2,960,000 and an estimated first non-Federal cost of $1,300,000. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

HOCKING RIVER, LOGAN, OHIO

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at a total cost of $7,760,000, with an estimated first Federal cost of $5,870,000 and an estimated first non-Federal cost of $1,890,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

HOCKING RIVER, NELSONVILLE, OHIO

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at a total cost of $8,020,000, with an estimated first Federal cost of $6,090,000 and an estimated first non-Federal cost of $1,930,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Reports of the Chief of Engineers, dated September 4, 1981 and February 1, 1985, at a total cost of $10,700,000, with an estimated first Federal cost of $8,080,000 and an estimated first non-Federal cost of $2,620,000.

LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $8,910,000, with an estimated first Federal cost of $6,230,000 and an estimated first non-Federal cost of $2,680,000.

MIAMI RIVER, FAIRFIELD, OHIO

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at a total cost of $14,400,000, with an estimated first Federal cost of $9,400,000 and an estimated first non-Federal cost of $5,000,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.10, the use of gabions and riprap for bank protection in lieu of concrete, and the inclusion of pool-riffle complexes at bridges. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after July 1, 1979, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $134,000,000, with an estimated first Federal cost of $94,000,000 and an estimated first non-Federal cost of $40,000,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize ad-

verse effects associated with the use of flood water detention sites for the project.

FRY CREEKS, OKLAHOMA

The project for flood control, Fry Creeks, Oklahoma: Report of the Chief of Engineers, dated September 7, 1983, at a total cost of $13,200,000, with an estimated first Federal cost of $9,400,000 and an estimated first non-Federal cost of $3,800,000, except that the Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

HARRISBURG, PENNSYLVANIA

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at a total cost of $133,000,000, with an estimated first Federal cost of $99,800,000 and an estimated first non-Federal cost of $33,200,000, including such (1) modifications as the Secretary determines to be feasible and appropriate to construct a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan, and (2) additional measures as the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan and shall reexamine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and reexamination.

LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at a total cost of $82,200,000, with an estimated first Federal cost of $61,700,000 and an estimated first non-Federal cost of $20,500,000. The project shall be constructed to provide protection at least sufficient to prevent any future flood losses to the city of Lock Haven, Pennsylvania, from flooding equivalent to a level of flooding 50 percent greater than the level of flooding which occurred as a result of tropical storm Agnes in 1972. Notwithstanding section 104 of this Act, work carried out by non-Federal interests on such project after January 1, 1973, and before the date of the enactment of this Act shall be taken into account in analyzing the costs and benefits of the project and shall be credited against the non-Federal share of the cost of the project.

SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, dated March 7, 1974, House Document Numbered 93-321, at a total cost of $5,540,000, with an estimated first Federal

cost of $4,180,000 and an estimated first non-Federal cost of $1,360,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs.

SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96–25, at a total cost of $7,850,000, with an estimated first Federal cost of $5,890,000 and an estimated first non-Federal cost of $1,960,000.

WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Chief of Engineers, dated October 19, 1983, at a total cost of $241,000,000, with an estimated first Federal cost of $181,000,000 and an estimated first non-Federal cost of $60,000,000.

NONCONNAH CREEK AND JOHNS CREEK, TENNESSEE AND MISSISSIPPI

The project for flood control, Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $28,000,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $8,500,000. The improvements for Johns Creek and tributaries shall be included as a separate part of the project and shall be constructed by the United States Department of Agriculture Soil Conservation Service, at a total cost of $34,700,000, with an estimated first Federal cost of $26,000,000 and an estimated first non-Federal cost of $8,700,000, in accordance with the recommendations of the State Conservationist as contained in the report, Nonconnah Creek and Tributaries, Tennessee and Mississippi, dated September 1981. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at a total cost of $3,890,000, with an estimated first Federal cost of $2,700,000 and an estimated first non-Federal cost of $1,190,000, including such additional measures as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and

Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

BOGGY CREEK, TEXAS

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, and the Supplemental Report of the Chief of Engineers, dated June 13, 1986, at a total cost of $24,000,000, with an estimated first Federal cost of $16,500,000 and an estimated first non-Federal cost of $7,500,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after September 30, 1979, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

BUFFALO BAYOU AND TRIBUTARIES, TEXAS

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96–182, at a total cost of $92,100,000, with an estimated first Federal cost of $69,100,000 and an estimated first non-Federal cost of $23,000,000.

LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at a total cost of $39,000,000, with an estimated first Federal cost of $27,300,000 and an estimated first non-Federal cost of $11,700,000.

LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Chief of Engineers, dated February 13, 1986, at a total cost of $196,000,000, with an estimated first Federal cost of $137,000,000 and an estimated first non-Federal cost of $59,000,000.

SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $126,000,000, with an estimated first Federal cost of $94,700,000 and an estimated first non-Federal cost of $31,300,000.

JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $91,800,000, with an estimated first Federal cost of $68,900,000 and an estimated first non-Federal cost of $22,900,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

ROANOKE RIVER UPPER BASIN, VIRGINIA

The project for flood control, Roanoke River Upper Basin, Virginia: Report of the Chief of Engineers dated August 5, 1985, at a total cost of $21,000,000, with an estimated first Federal cost of $12,600,000 and an estimated first non-Federal cost of $8,400,000.

YAKIMA-UNION GAP, WASHINGTON

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at a total cost of $8,760,000, with an estimated first Federal cost of $6,570,000 and an estimated first non-Federal cost of $2,190,000, including such additional measures as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review.

CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96–27, at a total cost of $22,400,000, with an estimated first Federal cost of $16,800,000 and an estimated first non-Federal cost of $5,600,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as the Secretary determines appropriate.

CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the Chief of Engineers, dated June 20, 1984, at a total cost of $19,900,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $4,900,000.

ISLAND CREEK BASIN, WEST VIRGINIA

The project for flood control, Island Creek Basin, in and around Logan, West Virginia: Report of the Chief of Engineers, dated April 25, 1986, at a total cost of $86,000,000, with an estimated first Federal cost of $62,200,000 and an estimated first non-Federal cost of $23,800,000.

PORTAGE, WISCONSIN

The project for flood control, Wisconsin River at Portage, Wisconsin: Report of the Chief of Engineers, dated May 20, 1985, at a total cost of $7,590,000, with an estimated first Federal cost of $5,660,000 and an estimated first non-Federal cost of $1,930,000.

AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96–16, at a total cost of $4,880,000, with an estimated first Federal cost of $3,860,000 and an estimated first non-Federal cost of $1,020,000.

RIO PUERTO NUEVO, PUERTO RICO

The project for flood control, Rio Puerto Nuevo, Puerto Rico: Report of the Chief of Engineers, dated April 25, 1986, at a total cost of $234,000,000, with an estimated first Federal cost of $151,000,000 and an estimated first non-Federal cost of $83,000,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such other modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

GUADALUPE RIVER, SAN JOSE, CALIFORNIA

Local flood control protection measures along the Guadalupe River in the vicinity of San Jose, California: Report of the Board of Engineers for Rivers and Harbors, dated June 29, 1986, at a total cost of $32,600,000, with an estimated first Federal cost of $22,800,000 and an estimated first non-Federal cost of $9,800,000.

MEREDOSIA, ILLINOIS

Flood control works for the protection of Meredosia, Illinois, at a total cost of $80,000, with a Federal cost of $60,000 and a non-Federal cost of $20,000. Such project shall be carried out under section 205 of the Flood Control Act of 1948. Such project shall include, but not be limited to, a levee which is approximately one-fifth of a mile long. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Illinois River, authorized by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to this paragraph in the interest of preventing flood damages along the Illinois River in the vicinity of Meredosia, Illinois.

MUSCATINE ISLAND, IOWA

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at a total cost of

$14,400,000, with an estimated first Federal cost of $10,500,000 and an estimated first non-Federal cost of $3,900,000, including such modifications as the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination.

PEARL RIVER BASIN, ST. TAMMANY PARISH, LOUISIANA

Structural and nonstructural measures to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at a total cost of $33,300,000, with an estimated first Federal cost of $25,000,000 and an estimated first non-Federal cost of $8,300,000. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA

Structural and nonstructural measures to prevent flood damage to those areas identified in the February 1984 draft environmental impact statement for the West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, at a total cost of $61,500,000, with an estimated first Federal cost of $40,000,000 and an estimated first non-Federal cost of $21,500,000. Funds provided by non-Federal interests for interim hurricane protection may be considered beneficial expenditures and may be credited as part of the non-Federal contribution of the project pursuant to section 104 of this Act.

JAMES RIVER, SOUTH DAKOTA

A project consisting of channel restoration and improvements on the James River in South Dakota, which may include consideration of offstream storage, small impoundments on tributaries, and other features identified by the Secretary to alleviate flood damage and to regulate flows on such river, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000. The Secretary is authorized to participate with appropriate non-Federal sponsors in the project to demonstrate, on an expedited basis, the feasibility of non-Federal cost sharing for rural flood protection under the provisions of section 916 and title I of this Act and section 134 of the Water Resources Development Act of 1976. The Secretary shall report to Congress no later than September 30, 1989, on the extent to which additional features may be required to alleviate flood damage and regulate flows on such river.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following projects:

GOLD GULCH, SANTA CRUZ COUNTY, CALIFORNIA

Flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at a total cost of $800,000.

CALLEGUAS CREEK, CALIFORNIA

Flood control works along the lower portion of Calleguas Creek, Conejo Creek to the Pacific Ocean, California, at a total cost of $2,000,000.

COYOTE CREEK, CALIFORNIA

A project for local flood control protection measures along the lower portion of Coyote Creek adjacent to and in the vicinity of Alviso, California, at a total cost of $750,000.

LOUISVILLE, KENTUCKY

Measures to correct flooding problems in the south end of Louisville, Kentucky, within an area bounded by New Cut Road west to the city limits and Palatka Road south to the city limits, at a total cost of $300,000. The Secretary is authorized to provide technical assistance to the city of Louisville, Kentucky, to assist such city in the correction of flooding caused by drainage problems in such city.

LOUISIANA

A project to provide a level of protection sufficient to prevent recurring flood damages along the following rivers, at a total cost of $10,000,000:

(1) Amite River, Louisiana;
(2) Comite River, Louisiana;
(3) Tangipahoa River, Louisiana;
(4) Tchefuncte River, Louisiana;
(5) Tickfaw River, Louisiana;
(6) Bogue Chitto River, Louisiana; and
(7) Natalbany River, Louisiana.

BAYOU RIGOLETTE, LOUISIANA

A project to construct six additional floodgates at Bayou Rigolette, Louisiana, adjacent to the existing drainage structure, at a total cost of $2,300,000.

BROCKTON, MASSACHUSETTS

Flood control works for the protection of Brockton, Massachusetts, at a total cost of $1,500,000. The plans for such project shall include, but not be limited to, improvements to ponds in the D.W. Field Park area and the existing Brockton-Avon Reservoir to provide additional storage, improvements to the drainage system under E. B. Keith Field, new culverts, improvements to miscellaneous bridges and utilities, and such other downstream improvements as the Secretary deems necessary.

LAS VEGAS VALLEY AND TRIBUTARIES AREA, NEVADA

A comprehensive project for flood control in the Las Vegas Valley and tributaries area, Nevada, at a total cost of $2,000,000.

MANALAPAN TOWNSHIP, NEW JERSEY

Local flood protection measures, including such channel widening and deepening and environmental measures as the Secretary and the Governor of the State of New Jersey may agree, to prevent flood damage to the residents of the Pine Brook section of Manalapan Township, New Jersey, substantially in accordance with the report of the Division Engineer, North Atlantic Division, entitled "Expanded Reconnaissance Report for Flood Control on Pine Brook, New Jersey, Manalapan, New Jersey", dated September 8, 1977, at a total cost of $400,000.

PASSAIC RIVER BASIN, NEW JERSEY

A project for flood damage protection and allied purposes in the Passaic River Basin, New Jersey and New York, at a total cost of $3,750,000, consisting of the following:

(1) Upper Rockaway River Basin, New Jersey, at a total cost of $2,750,000.

(2) Nakoma Brook Sloatsburg, New York, at a total cost of $500,000.

(3) The project for flood protection in the Third River, Passaic Basin, New Jersey, at a total cost of $500,000.

MALHAUER AND HARNEY LAKES, OREGON

Structural and nonstructural measures to prevent flood damage resulting from rising lake levels at Malhauer and Harney Lakes, Oregon, at a total cost of $3,370,000.

MILTON, PENNSYLVANIA

A flood control project at Milton, Pennsylvania, at a total cost of $2,500,000.

(d) SECTION 205 PROJECTS.—The Secretary is authorized and directed to carry out the following projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

SAN FRANCISCO RIVER AT CLIFTON, ARIZONA

A project for flood control on the San Francisco River at Clifton, Arizona, for the purpose of protecting residential and commercial properties on the east side of the river downstream of the State Highway 666 Bridge, at a total cost of $8,000,000, with an estimated first Federal cost of $4,500,000 and an estimated first non-Federal cost of $3,500,000. Such work shall be considered to complete all studies and proposals of the Secretary for such area.

MISSION ZANJA CREEK, REDLANDS, CALIFORNIA

Subject to section 903(a) of this Act, a project for flood control works along Mission Zanja Creek within the city of Redlands, California, in accordance with the plan developed by the District Engineer based on studies pursuant to section 205 of the Flood Control

Act of 1948, at a total cost of $10,400,000, with an estimated first Federal cost of $4,500,000 and an estimated first non-Federal cost of $5,900,000.

SALT AND EEL RIVERS, CALIFORNIA

Subject to section 903(a) of this Act, such measures, including silt removal and channel modification, in the vicinity of the confluence of the Salt and Eel Rivers, California, as the Secretary determines necessary to prevent recurring floods along the Eel River and its tributaries, at a total cost of $800,000, with an estimated first Federal cost of $600,000 and an estimated first non-Federal cost of $200,000.

MONROE AND WEST MONROE, LOUISIANA, AND OUACHITA PARISH, LOUISIANA

Subject to section 903(a) of this Act, such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

NOYES, MINNESOTA

Subject to section 903(a) of this Act, the purchase of such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba flood control project and the upgrading of existing flood control levees in the vicinity of Noyes, Minnesota, at a total cost of $250,000. The Secretary is authorized to accept funds from a project cosponsor in connection with construction of such project and to include as part of the Federal share of project costs those costs which the Secretary determines are attributable to protection of Federal property.

(e) ADDITIONAL AUTHORIZED PROJECTS.—

(1) SALYERSVILLE, KENTUCKY.—Subject to section 903(a) of this Act, the Secretary is authorized and directed to design and construct such flood control measures at or in the vicinity of Salyersville, Kentucky, on Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at a total cost of $7,000,000, with an estimated first Federal cost of $5,250,000 and an estimated non-Federal cost of $1,750,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

(2) POPLAR BROOK, NEW JERSEY.—Subject to section 903(a) of this Act, the Secretary is authorized to construct a project for

flood control for Poplar Brook, New Jersey, including reconstruction of the brook through the Borough of Deal, New Jersey, to accommodate the runoff from a storm having an average frequency of occurrence of once every 15 years, replacement of the culvert through the Conrail railroad embankment with a new culvert designed to pass a maximum flow equivalent to the peak flow from a storm having an average frequency of occurrence of once every 15 years, use of the area upstream of the embankment as an on-stream detention basin, and gabion or other lining as determined appropriate by the Secretary, at a total cost of $2,300,000, with an estimated first Federal cost of $1,725,000 and an estimated first non-Federal cost of $575,000.

(3) PEARL RIVER BASIN, INCLUDING SHOCCOE, MISSISSIPPI.—The Secretary is authorized to construct a project for the purpose of providing flood control for the Pearl River Basin in Mississippi, including, but not limited to, Carthage, Jackson, Monticello, and Columbia, Mississippi, consisting of—

(A) the project for flood control, Pearl River Basin, Mississippi: Report of the Chief of Engineers, dated March 17, 1986, at a total cost of $80,100,000, with an estimated first Federal cost of $56,070,000 and an estimated first non-Federal cost of $24,030,000; and

(B) for the purpose of providing flood control for the upstream areas of the Pearl River Basin in Mississippi—

(i) a combination roadway crossing of the Pearl River and floodwater detention and storage facility in east central Leake County, Mississippi;

(ii) a levee system in the south part of Carthage, Mississippi, which will upgrade, extend, and improve the protective levee system on the south side of Highway 16 in Leake County and the city of Carthage;

(iii) appropriate drainage structure and bridge modifications to expand and improve the stormwater conduits under Mississippi Highway 35, south of Carthage, Mississippi, for the purposes of reducing backwater influence for areas upstream of such highway;

(iv) upstream reservoirs on the Pearl River;

(v) such other structures as may be necessary to alleviate unforeseen flooding in the Leake County area as a result of the construction of the Shoccoe Dry Dam; and

(vi) channel improvements on the upstream Pearl River.

For purposes of analyzing the costs and benefits of those portions of the project described in subparagraph (B), the Secretary shall take into account the costs and benefits of that portion of the project described in subparagraph (A).

(4) GREAT SALT LAKE, UTAH.—Subject to section 903(a) of this Act, the Secretary is authorized to construct the Newfoundland and Bonneville Dikes located along the west side of the Great Salt Lake, Utah, at a total cost of $7,500,000, with an estimated first Federal cost of $5,250,000 and an estimated first non-Federal cost of $1,750,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

(5) TARRANT COUNTY, TEXAS.—The Secretary is authorized and directed to develop detailed plans and specifications and to construct measures in Tarrant County, Texas, to eliminate flood damage in the historical stockyards along Tony's Creek and Marine Creek, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

SEC. 402. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.

Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 403. GROUNDWATER INDUCED DAMAGES.

Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

TITLE V—SHORELINE PROTECTION

SEC. 501. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the benefit of shoreline protection are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection. Construction of the projects authorized in this title shall be subject to determinations of the Secretary, after consultation with the Secretary of the Interior, that the construction will be in compliance with the Coastal Barrier Resources Act (Public Law 97-348).

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at a total cost of $48,500,000, with an estimated first Federal cost of $22,800,000 and an estimated first non-Federal cost of $25,700,000.

ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at a total cost of $18,200,000, with an estimated first Federal cost of $11,100,000 and an estimated first non-Federal cost of $7,100,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at a total cost of $3,950,000, with an estimated first Federal cost of $2,220,000 and an estimated first non-Federal cost of $1,730,000. To the maximum extent feasible, the Secretary shall construct such project so as to minimize the harm to marine borrow areas and reefs.

INDIAN RIVER COUNTY, FLORIDA

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, House Document Numbered 98–154, at a total cost of $11,100,000, with an estimated first Federal cost of $6,800,000 and an estimated first non-Federal cost of $4,300,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Chief of Engineers, dated December 27, 1983, at a total cost of $21,600,000, with an estimated first Federal cost of $12,000,000 and an estimated first non-Federal cost of $9,600,000. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Chief of Engineers, dated April 22, 1984, at a total cost of $7,420,000, with an estimated first Federal cost of $4,150,000 and an estimated first non-Federal cost of $3,270,000, including such modifications as the Secretary determines to be necessary and appropriate to minimize the adverse effects of construction, operation, and maintenance of the project (other than the portion of the project consisting of Smathers Beach) on the seagrass community in the project area. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project (other than the portion of the project consisting of Smathers Beach) may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

SARASOTA COUNTY, FLORIDA

The project for shoreline protection, Sarasota County, Florida: Report of the Chief of Engineers, dated February 28, 1986, at a total cost of $30,100,000, with an estimated first Federal cost of $17,400,000 and an estimated first non-Federal cost of $12,700,000.

CASINO BEACH, CHICAGO, ILLINOIS

The project for shoreline protection, Interim II, Casino Beach, Chicago, Illinois: Report of the Chief of Engineers, dated September 26, 1984, at a total cost of $5,480,000, with an estimated first Federal cost of $2,880,000 and an estimated first non-Federal cost of $2,600,000.

INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Chief of Engineers, dated November 18, 1983, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000.

ATLANTIC COAST OF MARYLAND (OCEAN CITY)

The project for shoreline protection, Atlantic Coast of Maryland and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at a total cost of $58,200,000, with an estimated first Federal cost of $26,700,000 and an estimated first non-Federal cost of $31,500,000.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of Engineers, dated August 18, 1976, House Document Numbered 96-23, including beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at a total cost of $22,500,000, with an estimated first Federal cost of $11,900,000 and an estimated first non-Federal cost of $10,600,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 percent.

HEREFORD INLET TO CAPE MAY CANAL, DELAWARE BAY, NEW JERSEY

The projects for beach erosion control, navigation, and storm protection, Hereford Inlet to Cape May Canal, Delaware Bay, New Jersey: Report of the Chief of Engineers, dated September 30, 1975, House Document No. 94-641, at a total cost of $177,000,000, with an estimated first Federal cost of $104,000,000 and an estimated first non-Federal cost of $73,000,000. The beach erosion, navigation, and storm protection features of the project may be constructed separately or in combination with any other features of the project.

WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Chief of Engineers, dated December 19, 1983, at a total cost of $9,120,000, with a Federal cost of $5,470,000 and a non-Federal cost of $3,650,000, including periodic beach nourishment of Figure Eight Island.

MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the Chief of Engineers,

dated July 9, 1984, at a total cost of $15,900,000, with an estimated first Federal cost of $7,950,000 and an estimated first non-Federal cost of $7,950,000.

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at a total cost of $34,800,000, with an estimated first Federal cost of $18,900,000 and an estimated first non-Federal cost of $15,900,000.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at a total cost of $7,040,000, with an estimated first Federal cost of $3,870,000 and an estimated first non-Federal cost of $3,170,000.

WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $5,690,000, with an estimated first Federal cost of $4,250,000 and an estimated first non-Federal cost of $1,440,000.

VIRGINIA BEACH, VIRGINIA

The project for beach erosion control and hurricane protection, Virginia Beach, Virginia: Report of the Chief of Engineers, dated May 22, 1985, at a total cost of $42,400,000, with an estimated first Federal cost of $27,600,000 and an estimated first non-Federal cost of $14,800,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

PINELLAS COUNTY, FLORIDA

The project for beach erosion control for Pinellas County, Florida: Report of the Board of Engineers for Rivers and Harbors, dated April 23, 1985, at a total cost of $52,600,000, with an estimated first Federal cost of $32,700,000 and an estimated first non-Federal cost of $19,900,000.

ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at a total cost of $13,400,000, with an estimated first Federal cost of $9,390,000 and an estimated first non-Federal cost of $4,010,000.

COCONUT POINT, TUTUILA ISLAND, AMERICAN SAMOA

The project for shore protection at Coconut Point, Tutuila Island, American Samoa, including a 3,600-foot long rock revetment to protect communal lands and public facilities, at a total cost of $2,810,000, with an estimated first Federal cost of $2,030,000 and an estimated first non-Federal cost of $780,000.

(c) PRECONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue, at a total cost of $1,000,000.

(d) SECTION 103 PROJECTS.—The Secretary is authorized to carry out the following project under section 103 of the River and Harbor Act of 1962.

ORCHARD BEACH, NEW YORK

Subject to section 903(a) of this Act, the project for beach erosion control, Orchard Beach, New York: Draft Report of the District Engineer, New York District, dated July 1985, at a total cost of $2,480,000, with an estimated first Federal cost of $1,000,000 and an estimated first non-Federal cost of $1,480,000.

(e) TANGIER ISLAND, VIRGINIA.—Subject to section 903(a) of this Act, the Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier Island, Virginia, adequate to protect such island from further erosion, at a total cost of $3,200,000, with an estimated first Federal cost of $2,080,000 and an estimated first non-Federal cost of $1,120,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities. Cost sharing applicable to hurricane and storm damage reduction shall apply to the project under this subsection.

SEC. 502. WESTHAMPTON BEACH, NEW YORK.

The Secretary shall apply the cost sharing provisions of section 31(1) of the Water Resources Development Act of 1974 (Public Law 93-251) to periodic nourishment of the continuing construction project at Westhampton Beach, New York, for a period of 20 years after the date of enactment of this Act.

TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

SEC. 601. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for water resources development and conservation and for other purposes are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

TENNESSEE-TOMBIGBEE WATERWAY, ALABAMA AND MISSISSIPPI

Tennessee-Tombigbee Waterway Wildlife Mitigation, Alabama and Mississippi: Report of the Chief of Engineers, dated August 31, 1985, at a total cost of $60,200,000. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 88,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest, except that the 34,000 acres of bottomland hardwood lost as a result of the construction of the navigation project shall be replaced in-kind. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

BETHEL BANK STABILIZATION, ALASKA

The project for bank stabilization, Bethel, Alaska: Report of the Chief of the Engineers, dated July 30, 1983, at a total cost of $19,400,000, with an estimated first Federal cost of $14,600,000 and an estimated first non-Federal cost of $4,800,000, including such modifications as may be necessary to accommodate related work undertaken and carried out by non-Federal interests.

SCAMMON BAY, ALASKA

Scammon Bay, Alaska (hydropower): Report of the Chief of Engineers dated August 9, 1983, at a total cost of $1,700,000, with a first Federal cost of $1,700,000.

SOUTH CENTRAL RAILBELT AREA, ALASKA

South Central Railbelt Area, Alaska, hydroelectric power, Valdez and Copper River Basin: Report of the Chief of Engineers dated October 29, 1982, at a total cost of $45,000,000, with a first Federal cost of $45,000,000.

HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat, at a total cost of $59,000,000, with an estimated first Federal cost of $35,800,000 and an estimated first non-Federal cost of $23,200,000. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation.

WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS

(1) The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $29,300,000, with an estimated first Federal cost of $20,500,000 and an estimated first non-Federal cost of $8,800,000, except that the project shall include 1,865 acres of habitat mitigation lands. The project shall include modifications (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributary areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. The Secretary shall deposit no spoil from such project onto lands of the White River National Wildlife Refuge without the approval of the Secretary of the Interior and without mitigating fully the adverse impacts of such spoil. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary, in consultation with the Fish and Wildlife Service, shall also evaluate the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations. Nothing in this paragraph or such

report shall be construed to affect the requirements of Public Law 89-669, as amended.

SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Reports of the Chief of Engineers, dated September 1, 1981, at a total cost of $1,410,000, with an estimated first Federal cost of $890,000 and an estimated first non-Federal cost of $520,000.

JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor, Mill Cove, Florida: Report of the Chief of Engineers, dated February 12, 1982, at a total cost of $4,000,000, with a first Federal cost of $4,000,000, including such modifications as the Secretary considers necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project and the potential of such disposal areas for recreational development. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

PORT CANAVERAL HARBOR, FLORIDA

The project for mitigation of fish and wildlife losses at the Port Canaveral West Turning Basin Project, Florida: Report of the Chief of Engineers, dated October 1985 at a total cost of $276,000, with estimated first Federal cost of $126,000 and an estimated first non-Federal cost of $150,000.

RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97-244, at a total cost of $20,200,000, with an estimated first Federal cost of $20,150,000 and an estimated first non-Federal cost of $50,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be identified by the Secretary. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes of fish and wildlife habitat mitigation.

METROPOLITAN ATLANTA AREA, GEORGIA

The project for construction of a reregulating dam for water supply purposes on the Chattahoochee River downstream of Buford Dam, Georgia: Report of the Chief of Engineers, dated June 1982, at a total cost of $28,000,000, with an estimated first Federal cost of

$7,000,000 and an estimated first non-Federal cost of $21,000,000, including such additional measures as may be recommended or warranted by the General Design Memorandum and supplemental environmental impact statement approved under this paragraph. Before construction of the reregulation dam is initiated, the results of the Corps of Engineers' General Design Memorandum and supplemental environmental impact statement resulting from the continued planning and engineering studies must show that—

(1) the quality and quantity of water delivery to the State trout hatchery is maintained or improved and the hatchery can continue to operate satisfactorily;

(2) all water quality standards under the Federal Water Pollution Control Act and corresponding State law for the Chattahoochee River will be met, or, if such standards are not currently being met, neither the degree nor the frequency of violation will be increased;

(3) the design, construction, and operation of the reregulation project will facilitate and be compatible with downstream recreation, fisheries, and fisheries management and will include such measures as may be necessary to mitigate adverse effects of the project on turbidity, water temperature, and other water quality parameters, and water flow regimes;

(4) the project analysis evaluated the impact of the reregulation dam on—

(A) instream flows below the proposed dam for the current situation and proposed dam operation plans, under various hydrologic conditions and several demand rates;

(B) recreational use within the Chattahoochee River National Recreation Area, within the river corridor, and on the river itself; and

(C) economic issues.

Before construction of the reregulation dam is initiated, a general design memorandum and a supplemental environmental impact statement based on the continued planning and engineering studies shall be prepared and jointly approved by the Secretary and the Governor of Georgia. The authorization, design, construction, and operation of the reregulation dam by the Secretary or any other Federal or State body or agency must be in compliance with all applicable existing laws and with this paragraph without waiver of any conditions, requirements, or provisions contained therein. The reregulation dam may be constructed by the State of Georgia or its subdivisions at local cost.

DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, House Document Numbered 97-218, at a total cost of $517,000, with an estimated first Federal cost of $388,000 and an estimated first non-Federal cost of $129,000.

OBION CREEK, KENTUCKY

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the

Chief of Engineers, dated September 16, 1980, at a total cost of $4,900,000, with an estimated first Federal cost of $4,000,000 and an estimated first non-Federal cost of $900,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 908 of this Act. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in lieu of the West Kentucky Tributaries Project, Obion Creek. If such a project is carried out under section 205, the Secretary need only implement measures to mitigate fish and wildlife damages which are attributable to the project undertaken under section 205.

LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at a total cost of $1,310,000, with an estimated first Federal cost of $655,000 and an estimated first non-Federal cost of $655,000.

ATCHAFALAYA BASIN, LOUISIANA

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at a total cost of $250,000,000, with an estimated first Federal cost of $223,000,000 and an estimated first non-Federal cost of $27,000,000: Provided, That fish and wildlife enhancement benefits provided by this project shall be considered to be national for the purposes of section 906 of this Act.

RED RIVER WATERWAY, LOUISIANA

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana: Report of the Chief of Engineers, dated December 28, 1984, at a total cost of $9,420,000, with an estimated first Federal cost of $8,860,000 and an estimated first non-Federal cost of $560,000, except that the land the Secretary may purchase for such project may include all or such portion of any land referred to in the report or all or such portion of any land adjacent to the Loggy Bayou Wildlife Management Area in Bossier Parish, Louisiana, which the Secretary determines is appropriate.

YAZOO BACKWATER AREA, MISSISSIPPI

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Chief of Engineers, dated July 12, 1984, at a total cost of $17,700,000 with a first Federal cost of $17,700,000. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982. The Secretary may acquire a portion of such 40,000 acres from willing sellers in the State of Arkansas, after con-

sultation with the United States Fish and Wildlife Service and the Governors of the States of Mississippi and Arkansas.

GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Reports of the Chief of Engineers, dated November 15, 1977, and February 22, 1982, at a total cost of $43,700,000, with an estimated first Federal cost of $28,000,000 and an estimated first non-Federal cost of $15,700,000.

VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at a total cost of $79,200,000, with an estimated first Federal cost of $55,900,000 and an estimated first non-Federal cost of $23,300,000.

HARRY S TRUMAN DAM AND RESERVOIR, MISSOURI

The project for modification of the Harry S Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at a total cost of $2,100,000, with a first Federal cost of $2,100,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lands, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, at a total cost of $1,570,000, with a first Federal cost of $1,570,000, except that the Secretary shall participate with the State of Missouri in the development of wildlife management measures and facilities on State lands rather than the acquisition of lands and the development of Jackass Bend.

ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Chief of Engineers, dated April 30, 1984, at a total cost of $31,000,000, with an estimated first Federal cost of $10,400,000 and an estimated first non-Federal cost of $20,600,000.

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at a total cost of $51,900,000, with a first Federal cost of $51,900,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three

years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

OLCOTT HARBOR, NEW YORK

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at a total cost of $12,600,000, with an estimated first Federal cost of $6,300,000 and an estimated first non-Federal cost of $6,300,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at a total cost of $9,100,000, with a first Federal cost of $9,100,000, which shall be in addition to, and not in lieu of, any amounts authorized to be appropriated for such project under section 101 of the River and Harbor Act of 1970.

MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at a total cost of $46,000,000, with an estimated first Federal cost of $3,410,000 and an estimated first non-Federal cost of $42,590,000.

FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Chief of Engineers, dated August 16, 1984, at a total cost of $24,600,000, with a first Federal cost of $24,600,000.

BLUE RIVER LAKE, OREGON

Blue River Lake, hydroelectric power, Willamette River Basin, Oregon: Report of the Chief of Engineers dated August 9, 1983, at a total cost of $30,700,000, with a first Federal cost of $30,700,000. The authorization under this paragraph shall not preclude development of hydroelectric power by a non-Federal interest if, within three years of the date of enactment of this Act, such non-Federal interest obtains a license from the Federal Energy Regulatory Commission for non-Federal development of hydroelectric power at the Blue River Lake project.

BIG RIVER RESERVOIR, RHODE ISLAND

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at a total cost of $86,700,000, with an estimated first Federal cost of

$8,360,000 and an estimated first non-Federal cost of $78,340,000, including the acquisition of such additional lands as determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation.

GREGORY COUNTY, SOUTH DAKOTA

Gregory County hydroelectric pumped storage facility, stages I and II, South Dakota: Report of the Chief of Engineers dated April 26, 1983, together with such additional associated multipurpose water supply and irrigation features as are generally described in the final feasibility report of the District Engineer, at a total cost of $1,390,000,000, with a first Federal cost of $1,390,000,000, not to exceed $100,000,000 of which may be used to construct such associated water supply and irrigation features: Provided, That the additional associated multipurpose water supply and irrigation features shall be undertaken concurrently by the Secretary of the Interior in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto), as a unit of the Pick-Sloan Missouri River Basin Program: Provided further, That the Secretary of the Interior is authorized to undertake a feasibility study of the additional associated multipurpose water supply and irrigation features of the Gregory County hydroelectric pumped storage facility and that construction of the Gregory County hydroelectric pumped storage facility and such additional associated multipurpose water supply and irrigation features shall not be undertaken until the Secretary of the Interior has completed the feasibility report on such additional features and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such features will exceed the costs and that such additional features are physically and financially feasible, and the Congress has authorized the appropriation of funds for the construction thereof.

MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, at a total cost of $110,000,000, with an estimated first Federal cost of $38,400,000 and an estimated first non-Federal cost of $71,600,000, including acquisition of such additional lands for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary and including such additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secre-

tary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevalutation and study.

COOPER LAKE AND CHANNELS, TEXAS

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at a total cost of $14,800,000, with an estimated first Federal cost of $8,160,000 and an estimated first non-Federal cost of $6,640,000.

HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Chief of Engineers, dated October 19, 1983, at a total cost of $7,030,000, with an estimated first Federal cost of $2,330,000 and an estimated first non-Federal cost of $4,700,000.

MC NARY LOCK AND DAM, WASHINGTON AND OREGON

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at a total cost of $667,000,000, with a first Federal cost of $667,000,000.

CABIN CREEK, WEST VIRGINIA

That portion of the Cabin Creek, West Virginia, demonstration reclamation project providing for flood damage prevention measures: Report of the Chief of Engineers, dated March 1, 1979, at a total cost of $6,800,000, with an estimated first Federal cost of $3,400,000 and an estimated first non-Federal cost of $3,400,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

RILLITO RIVER, TUCSON, ARIZONA

The project for bank erosion control, Rillito River in the vicinity of Tucson, Arizona: Report of the Division Engineer, dated July 14, 1986, for the purpose of providing protection against the level of flooding that occurred in October 1983, at a total cost of $26,000,000, with an estimated first Federal cost of $19,550,000 and an estimated first non-Federal cost of $6,450,000. Section 104 of this Act shall apply to the project authorized by this paragraph.

WAILUA FALLS, WAILUA RIVER, KAUAI, HAWAII

The project for hydroelectric power generation at Wailua Falls, Wailua River, Kauai, Hawaii, at a total cost of $13,500,000, with a first Federal cost of $13,500,000.

YAZOO RIVER, MISSISSIPPI

A project to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

TRINITY RIVER, TEXAS

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at a total cost of $10,400,000, with an estimated first Federal cost of $10,000,000 and an estimated first non-Federal cost of $400,000.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following projects:

NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at a total cost of $450,000.

MERRIMACK RIVER, MASSACHUSETTS

The project for navigation, Merrimack River, Massachusetts, consisting of (1) improvements along the Merrimack River from Lowell, Massachusetts, to Lawrence, Massachusetts (including a concrete weir running eastward from the confluence of the Concord River and the Merrimack River parallel to the southern bank of the Merrimack River), (2) a lock at the end of the channel created by the weir, and (3) such other measures as the Secretary deems necessary

in the interest of navigation, at a total cost of $800,000. In addition, the Secretary is authorized and directed to conduct necessary reconnaissance studies and feasibility studies on extending such project from Lawrence, Massachusetts, to Haverhill, Massachusetts, and from Haverhill, Massachusetts, to the mouth of the Merrimack River.

BUFFALO HARBOR, NEW YORK

The project to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at a total cost of $900,000.

WHEELING CREEK WATERSHED, OHIO

The project to prevent or reduce flooding problems in the Wheeling Creek Watershed, Ohio, including control of erosion of coal mine areas to reduce deposition of sediments in Wheeling Creek, removal of sediment deposits in Wheeling Creek, and other measures deemed appropriate by the Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, the United States Geological Survey, the Office of Surface Mining of the Department of the Interior, the State of Ohio, and other appropriate Federal and non-Federal agencies.

FIVE MILE CREEK, DALLAS, TEXAS

The project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at a total cost of $1,460,000.

FOX RIVER CHANNEL, GREEN BAY, WISCONSIN

The project to deepen the Fox River Channel, Green Bay, Wisconsin, to a depth of twenty-seven feet, at a total cost of $3,460,000.

(d) SECTION 107 PROJECTS.—The Secretary is authorized and directed to carry out the following projects under section 107 of the River and Harbor Act of 1960:

LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA

Subject to section 903(a) of this Act, the project to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at a total cost of $3,340,000.

SHELBURNE BAY, VERMONT

The project for navigation at LaPlatte River, Shelburne Bay, Vermont, at a total cost of $250,000.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at a total cost of $1,270,000.

AGAT SMALL BOAT HARBOR, GUAM

Subject to section 903(a) of this Act, the project to construct the Agat small boat harbor in Guam, at a total cost of $4,040,000, with an estimated first Federal cost of $2,816,000 and an estimated first non-Federal cost of $1,224,000.

SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out program for the removal of silt, aquatic growth, and other material in the following lakes:

(1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;

(2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;

(3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;

(4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;

(5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land;

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;

(8) Lake Herman, Lake County, South Dakota, removal of excess silt; and

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation.

(b) The non-Federal share of the cost of each project carried out under this section shall be 25 percent.

(c) The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of the program under subsection (a), together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

(d) There is authorized to be appropriated $40,000,000 for fiscal years beginning after September 30, 1986, to carry out this section. Not more than $8,000,000 may be obligated for any project under subsection (a).

SEC. 603. STREAMBANK EROSION CONTROL PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary is authorized to carry out a program to plan, design, and construct streambank erosion control projects listed in subsection (f) when, in the opinion of the Secretary, such work is economically justified and environmentally acceptable. Prior to construction of any projects for this purpose, non-Federal interests shall agree to provide, without cost to the United States, all lands, easements, and rights-of-way necessary for construction and subsequent operation of the project; hold and save the United States free from damages due to construction, operation, and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors; and operate and maintain the project upon completion. The non-Federal share of the cost of each project carried out under this section shall be 25 percent. Lands, easements, and rights-of-way provided by non-Federal interests shall be credited to the non-Federal share.

(b) For the purposes of this section, $30,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. Not more than $5,000,000 shall be allotted for the construction of a project under this section at any single locality and such amount shall be sufficient to complete Federal participation in the project.

(c) The program of projects under this section shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage; and

(6) identify and quantify economic losses occurring along rivers due to streambank erosion.

(d) The Secretary shall report to Congress each year of the demonstration program under this section on work undertaken pursuant to such program.

(e) For each project carried out under this section, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(f) The program authorized by this section shall be undertaken at the following locations:

(1) LITTLE RIVER, ARKANSAS.—Little River in the vicinity of the Highway 41 bridge, Horatio, Arkansas, protection against stream bank erosion.

(2) SACRAMENTO RIVER, CALIFORNIA.—Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico

Landing downstream along each bank to the head of the Sacramento River flood control project levees, construction of bank protection works, including mitigation of fish and wildlife losses induced by the project.

(3) WABASH RIVER, ILLINOIS.—Wabash River at Grayville, Illinois, construction of a low-level weir across the cutoff channel to restore the river flow to its original channel and prevent streambank erosion and damage to public and private facilities.

(4) RED LAKE RIVER, MINNESOTA.—Red Lake River, Minnesota, approximately one and one-half miles west of Gentilly, Minnesota, correction of erosion problems adequate to protect the nearby highway and bridge.

(5) CANEY CREEK, MISSISSIPPI.—(A) Caney Creek in the vicinity of Jackson, Mississippi, between McDowell Road and Raymond Road, construction of such bank stabilization measures as the Secretary determines necessary for flood damage prevention and erosion control along approximately 3,000 feet of the creek.

(B) The Secretary shall complete his study of flood and soil erosion problems along Caney Creek and its tributaries in the vicinity of Jackson, Mississippi. For purposes of analyzing cost and benefits of any project recommended by the Secretary as a result of such study, the Secretary shall take into account the cost and benefits of measures undertaken pursuant to subparagraph (A).

(6) PLATTE RIVER, NEBRASKA.—(A) Sites on the Platte River and its tributaries in Nebraska, projects for flood control and streambank erosion prevention. The program shall have as its objectives the protection of property, environmental enhancement, and social well-being.

(B) Flood control projects carried out under this paragraph shall include projects for the construction, operation, and maintenance of flood damage reduction measures, including but not limited to bank protection and stabilization works, embankments, clearing, snagging, dredging, and all other appropriate flood control measures, and shall also include recreational facilities deemed appropriate by the Secretary. Such projects shall be carried out substantially in accordance with the plan of action of the Chief of Engineers dated February 6, 1984, and with the Platte River and Tributaries, Nebraska, study of 1978 and the Platte River Basin, Nebraska, Level B Study of 1976.

(C) For each project under this paragraph, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of enhancing wildlife and wildlife habitat as a major purpose coequal with all other purposes and objectives, and with the view of minimizing environmental losses.

(D) Projects authorized by this paragraph shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, projects shall be conducted at sites on—

(i) that reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska; and

(ii) that reach of the Platte River from the boundary between Colfax and Dodge Counties, Nebraska, to its confluence with the Missouri River and that portion of the Elkhorn River from the boundary between Antelope and Madison Counties, Nebraska, to its confluence with the Platte River.

(E) The Secretary shall condition the construction, operation, and maintenance of any project under this paragraph upon the availability to the United States of such land and interests in land as he deems necessary to carry out such project and to protect and enhance the river in accordance with the purposes of this paragraph. Lands and interests in land for any project under this paragraph shall not be acquired without the consent of the owner, except that not to exceed five percent of the lands acquired for such a project may be acquired in less than fee title without the consent of the owner if determined necessary by the Secretary because of flooding or streambank erosion problems causing or threatening to cause serious damage in the Platte River Basin.

(F) The Secretary shall establish a Platte River Advisory Group consisting of representatives of the State of Nebraska and political subdivisions thereof, affected Federal agencies, and such private organizations as the Secretary deems desirable. Projects under this paragraph shall be carried out in coordination and consultation with such Advisory Group.

(7) ELM CREEK, DECATUR, NEBRASKA.—Elm Creek in the vicinity of Decatur, Nebraska, such emergency bank stabilization measures as are necessary to protect bridges.

(8) PASSAIC RIVER, NEW JERSEY.—(A) East bank of the Passaic River, New Jersey, from Dundee Dam to Kearney Point, bank stabilization and development, operation, and maintenance of a recreation and greenbelt area on public properties on, and along the bank. The project shall be carried out after consultation with the Passiac River Restoration Steering Committee, and shall include, but not be limited to—

(i) the construction, operation, and maintenance of recreational facilities (including, but not limited to, a multipurpose pathway described in the Passaic River Restoration Master Plan) and streambank stabilization structures;

(ii) terraforming; and

(iii) such tree plantings, vegetation and wildlife protection and development, and other activities as will enhance the natural environment for recreational purposes.

(B) The construction and maintenance of structures and plant and husbandry activities referred to in subparagraph (A) shall be conditioned upon the ownership by the public of the land or interest therein necessary for such purposes. The operation and maintenance of such structures and activities shall be undertaken by the counties or cities owning the lands on which such structures are to be located or on which such activities are to be carried out.

(C) In carrying out the project described in subparagraph (A), the Secretary may acquire by purchase, donation, exchange, or otherwise, lands and interests therein as the Secretary and the Passaic River Restoration Steering Committee determine are necessary to carry out such project. No lands or interests therein may be acquired by the United States or any State or local government to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any lands or interests therein which is not owned by the United States or a State or local government.

(9) OHIO RIVER AND TRIBUTARIES.—Ohio River and Tributaries, streambank erosion protection measures in the following locations:

(A) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam;

(B) the Licking River;

(C) the Kanawha River in the vicinity of St. Albans, West Virginia;

(D) from the mouth of the Ohio River to Uniontown Dam, Illinois; and

(E) along the Wabash River, from the mouth of the Wabash River to its confluence with the Little Wabash River.

(10) UPPER MISSOURI RIVER, SOUTH DAKOTA.—Locations on the Missouri River upstream of the Fort Randall Dam and downstream of the Oahe Dam; upstream of the Oahe Dam and downstream of the Garrison Dam; upstream of the Garrison Dam and downstream of the Fort Peck Dam; and upstream of the Fort Peck Dam to the confluence of the Missouri and Musselshell Rivers.

(11) MEMPHIS, TENNESSEE.—Sites on the Mississippi River in the vicinity of Memphis, Tennessee, construction of bank protection works.

(12) LA CONNER, WASHINGTON.—La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District.

(13) KANAWHA RIVER, WEST VIRGINIA.—Kanawha River from approximately 55th Street to a point approximately 100 feet upstream of 57th Street in Charleston, West Virginia, construction of such streambank protection works as the Secretary deems necessary to prevent further bank failure and erosion of a 1,200-foot reach of the left descending bank.

SEC. 604. DES MOINES RIVER GREENBELT.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99-88, shall include the area described in the Des Moines Recreational River and Greenbelt Map, which description is printed in Committee Print 99-53 of the Committee on Public Works and Transportation of the House of Representatives (dated September 1986).

SEC. 605. BARNEGAT INLET TO LONGPORT, NEW JERSEY.

The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers dated October 24, 1975, except that such project may also include construction of a fisherman walkway on top of a jetty as described in the report of the Chief of Engineers dated January 20, 1983, at a total cost of $106,290,000, with an estimated first Federal cost of $59,505,000 and an estimated first non-Federal cost of $46,785,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 606. CHESAPEAKE BAY.

(a) The Secretary is authorized to construct projects for low-cost projects along the shore of the Chesapeake Bay and its tributaries for the control of streambank and shoreline erosion. The Secretary shall select an equal number of projects under this section in each of the States of Maryland, Pennsylvania, and Virginia. In selecting projects in Virginia under this section, the Secretary shall give priority consideration to the shoal at the mouth of the Coan River.

(b) The Federal share of the cost of the projects under this section shall be 50 percent.

(c) Information gathered in the study conducted under section 54 of the Water Resources Development Act of 1976 shall be used to the extent possible in selecting appropriate projects.

(d) There is authorized to be appropriated for fiscal years beginning after September 30, 1986, $5,000,000 to carry out this section.

SEC. 607. PASSAIC RIVER BASIN CHANNEL CLEARING.

Subject to section 903(a) of this Act, the Secretary is authorized and directed to implement snagging and clearing and channel rectification measures along the Passaic, Pompton, Pequannock, and Ramapo Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pompton River at Two Bridges, upstream along the Pompton River to and including the Pompton Feeder on the Pequannock and Ramapo Rivers, and upstream along the Ramapo River to the Pompton Lakes Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at a total cost of $33,300,000, with an estimated first Federal cost of $25,000,000 and an estimated first non-Federal cost of $8,300,000. In addition, subject to section 903(a) of this Act, the Secretary is authorized to undertake a project for flood control for the Passaic River in the vicinity of Beatties Dam in Little Falls, New Jersey, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000. The non-Federal share of the cost of the projects under this section is 25 percent.

SEC. 608. MOUND STATE PARK AND FORT TOULOUSE NATIONAL HISTORIC LANDMARK, ALABAMA.

(a) Subject to section 903(a) of this Act, the Secretary is authorized and directed to take such action as may be necessary to correct erosion problems along the banks of the Warrior River in order to protect Mound State Park, near Moundville, Alabama, substantially in accordance with the study directed by the Mobile district engineer and dated July 20, 1981, at a total cost of $4,400,000, with an estimated first Federal cost of $3,300,000 and an estimated first non-Federal cost of $1,100,000.

(b) Subject to section 903(a) of this Act, the Secretary is authorized to preserve and protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in the county of Elmore, Alabama, by instituting bank stabilization measures, in accordance with alternative B contained in the Mobile district engineer's design supplement report entitled "Jones Bluff Reservoir, Alabama River, Alabama, Fort Toulouse, Design Report, National Historic Landmark", dated July 1975, at a total cost of $16,000,000, with an estimated first Federal cost of $12,000,000 and an estimated first non-Federal cost of $4,000,000.

SEC. 609. MUCK LEVEE, SALT CREEK, ILLINOIS.

Subject to section 903(a) of this Act, the Secretary shall repair and rehabilitate the Muck Levee, Salt Creek, Logan County, Illinois, at a total cost of $12,000, with an estimated first Federal cost of $9,000 and an estimated first non-Federal cost of $3,000.

SEC. 610. SWAN CREEK HARBOR OF REFUGE.

Subject to section 903(a) of this Act, the Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Swan Creek, Newport, Michigan. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 611. TRANSFER OF DREDGING VESSEL.

Notwithstanding any other provision of law, the Secretary shall transfer to New Hanover County, North Carolina, its successors or assigns, without consideration, all right, title, and interest of the United States to a surplus dredging vessel (known as the "Hyde hopper dredge") in Wilmington, North Carolina, if such county agrees in writing to utilize such vessel only for the purpose of establishing an artificial fish habitat at no cost to the United States.

SEC. 612. INTERIM MEASURES FOR WHEELING CREEK, OHIO.

Subject to section 903(a) of this Act, the Secretary is authorized to undertake interim emergency flood control measures, including the removal of sediment deposits from Wheeling Creek and other measures deemed appropriate by the Secretary, to reduce flood damage in the vicinity of Goosetown, Wolfhurst, Barton, Crescent, Maynard, Blainsville, Fairpointe, Crabapple, and Lafferty, Ohio, at a total cost of $4,000,000, with an estimated first Federal cost of $2,962,000 and an estimated first non-Federal cost of $1,038,000. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the planning, engineering, and design for the Wheeling Creek Watershed authorized by section 601(c), the

Secretary shall take into account the costs and benefits of measures undertaken pursuant to this section.

SEC. 613. TOLAY LAKE, CALIFORNIA.

The Secretary, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency shall jointly develop a feasibility study for the construction in the vicinity of the former site of Tolay Lake in Sonoma County, California, of a water resources development project consisting of one or more of the reclamation project alternatives (other than the ocean outfall alternative) included in the Final Environmental Impact Report, Sonoma County Wastewater Reclamation Project, adopted by the Sonoma County Board of Supervisors, April 21, 1981, at a total cost of $3,000,000. Not later than one year after the date of the enactment of this Act, the Secretary, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency shall submit a report to Congress with recommendations on a program and methods of financing the program.

SEC. 614. PROJECTS FOR SOIL EROSION PREVENTION.

(a) The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, is authorized to complete construction of the following projects for run-off and waterflow retardation and soil erosion prevention:

(1) Bush River Watershed, Virginia;

(2) Great Creek Watershed, Virginia; and

(3) Cottonwood-Walnut Creek Watershed, New Mexico.

(b) Construction of such projects shall be completed in accordance with the resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which authorized such construction; except that—

(1) construction of the project for Cottonwood-Walnut Creek Watershed, New Mexico, shall be completed in accordance with such resolutions as modified by Committee Print 99–11 of the Committee on Public Works and Transportation of the House of Representatives; and

(2) the amount authorized to be appropriated for construction of such projects shall be as follows:

(A) for Bush River Watershed, Virginia, $13,700,000;

(B) for Great Creek Watershed, Virginia, $3,900,000; and

(C) for Cottonwood-Walnut Creek Watershed, New Mexico, $28,063,000.

SEC. 615. PORT ONTARIO, SANDY CREEK, NEW YORK.

The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Port Ontario, Sandy Creek, New York. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 616. DULUTH, MINNESOTA, SHORELINE PROTECTION.

The Secretary is authorized to construct shoreline protection measures for the shoreline adjacent to the runway at the Sky Harbor Municipal Airport, Duluth, Minnesota, including riprap shore protec-

tion, fueling area repairs and protection, and topsoil and turf establishment, at a total cost of $333,000, with an estimated first Federal cost of $250,000 and an estimated first non-Federal cost of $83,000.

TITLE VII—WATER RESOURCES STUDIES

SEC. 701. FEASIBILITY REPORTS FOR ILLINOIS AND KINNICKINNIC RIVERS.

The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

SEC. 702. TERRITORIES DEVELOPMENT STUDY.

The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at a total cost of $2,000,000 for each of the five studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies. Any funds made available under this section for a study for any such jurisdiction which is not needed for such study shall be available to the Secretary to construct authorized water resources projects in such jurisdiction and to implement the findings of such study with appropriate cost sharing as provided in this Act.

SEC. 703. SURVEY OF POTENTIAL FOR USE OF CERTAIN FACILITIES AS HYDROELECTRIC FACILITIES.

(a) The Secretary shall, upon the request of local public officials, survey the potential and methods for rehabilitating former industrial sites, millraces, and similar types of facilities already constructed for use as hydroelectric facilities. The Secretary shall, upon request, provide technical assistance to local public agencies, including electric cooperatives, in designing projects to rehabilitate sites that have been surveyed, or are qualified for such survey, under this section. The non-Federal share of the cost of carrying out this section shall be 50 percent.

(b) There is authorized to be appropriated to the Secretary, to implement this section, the sum of $5,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992, such sums to remain available until expended.

SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

(a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted within the 30-month period beginning on the date of enactment of this Act by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed $5,000,000 to carry out such projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

(1) the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York;

(2) the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida;

(3) the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York; and

(4) the construction of a reef for fish habitat in the Chesapeake Bay in Maryland.

The non-Federal share of the cost of any project under this section shall be 25 percent.

SEC. 705. SAN FRANCISCO BAY AREA FLOOD CONTROL STUDY.

Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,"

SEC. 706. GREAT LAKES LEVELS STUDY.

(a) The Secretary, in cooperation with the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the International Joint Commission, and other appropriate Federal, State, and local agencies and the private sector, is authorized to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the

current situation and long-term expected increases in the levels of the Great Lakes. Such study shall include, but is not limited to—

(1) a study to determine the magnitude and extent of current and expected future shoreline erosion on the Great Lakes and connecting channels occurring as a result of high water levels. The study shall examine the impacts of the long-term cold weather cycle on lake levels and shoreline damage. The study shall also examine the relationship of shoreline damage to the regulation of outflows from Lake Superior and Lake Erie in accordance with approved regulation plans of the International Joint Commission;

(2) an economic and hydrologic analysis to determine whether changes in the inflows and outflows of the existing structures may be desirable to reduce shoreline damages, and whether further regulation of the outflow of Lake Erie may be warranted to achieve better regulation of the water levels of the Great Lakes;

(3) a summary of the legal and institutional impacts of rising lake levels on riparian lands; and

(4) recommendations for new or additional criteria for Federal participation in shoreline protection projects along the Great Lakes and connecting channels.

(b) Within three years after the date of enactment of this Act, the Secretary shall transmit the studies prepared pursuant to subsection (a) of this section, together with supporting documentation and the recommendations of the Secretary, to the Committee on Environment and Public Works of the Senate and Committee on Public Works and Transportation of the House of Representatives.

(c) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year ending September 30, 1987, or thereafter, the sum of $3,000,000, such sum to remain available until expended.

SEC. 707. CAPITAL INVESTMENT NEEDS FOR WATER RESOURCES.

(a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including, but not limited to, the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water resources programs, including increased costs associated with interest rates and inflation;

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property; and

(6) an analysis of the effect of different levels of cost sharing and user fee recovery on the demand for water resources projects.

SEC. 708. NEW YORK HARBOR AND ADJACENT CHANNEL STUDY.

The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than December 31, 1987.

SEC. 709. DIOXIN CONTAMINATION IN PASSAIC RIVER-NEWARK BAY.

(a) The Administrator of the Environmental Protection Agency shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system. The study and report under this section are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

(b) Not later than one year after the date of enactment of this Act, the Administrator shall transmit a report on the results of such study and monitoring along with any recommendations of the Administrator concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 710. DEAUTHORIZATION OF STUDIES.

(a) Not later than one year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a list of incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the 5 full fiscal years preceding the submission of such list. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study and the results and conclusions, if any, of such work; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

(b) Each study included in a list under subsection (a) is not authorized on and after the 90th day following the submission to Congress of such list if no funds have been appropriated for such study after the list is submitted and before such 90th day.

SEC. 711. SAGINAW BAY, MICHIGAN.

The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than December 31, 1989.

SEC. 712. RANCHO PALOS VERDES, CALIFORNIA.

The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline and in the city of Rolling Hills, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area and adjacent landslide areas. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

SEC. 713. LOUISIANA SHORELINE EROSION STUDY.

In order to determine the feasibility of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed $2,000,000.

SEC. 714. LAND ACQUISITION POLICY STUDY.

The Secretary shall study land acquisition policies applicable to water resources projects carried out by the Secretary, including, among other things, an analysis of the acquisition policies of mineral rights in connection with such projects. Such study shall also include a complete detailed report on (1) the acquisition policies and procedures utilized by the Secretary in the acquisition of mineral rights at the water resources project for Lake Sommerville, Texas, authorized by the Flood Control Act of June 28, 1938, and (2) the acquisition policies and procedures followed in permitting reservoir lands to be used for mineral exploration and development subsequent to construction of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with

such recommendations as the Secretary may have for modifications of such land acquisition policies.

SEC. 715. COLUMBIA RIVER/ARKANSAS RIVER BASIN TRANSFERS.

(a) No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(b) For a period of 5 years after the date of enactment of this Act, no Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Arkansas River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

SEC. 716. BLACK WARRIOR-TOMBIGBEE RIVER.

The Secretary shall immediately conduct a feasibility study of protection from erosion problems on the southern bank of the Black Warrior-Tombigbee River from river mile 253 to river mile 255. Not later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations for measures to alleviate such erosion problems, if feasible.

SEC. 717. STORMWATER RUNOFF CONTROL STUDY.

The Secretary is authorized to conduct a study of the feasibility of developing measures to control storm water runoff on a watershed basis. Such study shall include, among other things, a review of existing drainage codes, State statutes, and Federal programs relating to prevention of drainage soil erosion and flooding. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations concerning development of such measures.

SEC. 718. BOUNDARY DELINEATION AND FENCING PRACTICES.

The Secretary is authorized and directed to conduct a study (1) to analyze the differences among Corps districts and Corps divisions regarding boundary delineation and fencing practices, (2) to analyze the cost of fencing activities and the relationship of such cost to the benefits derived from such activities, and (3) to analyze the need for providing, to the greatest extent practicable and consistent with authorized project purposes, access of the project area to the general public for recreational purposes. The Secretary shall submit a report on the results of such study to Congress not later than one year after the date of the enactment of this Act.

SEC. 719. PROJECT EVALUATION AND SELECTION CRITERIA.

The Secretary is authorized and directed to conduct a study of the Army Corps of Engineers project evaluation and selection criteria

identifying all factors which affect the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Not later than one year after the date of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas.

SEC. 720. POTOMAC RIVER HYDRILLA.

The Secretary is authorized and directed to conduct a feasibility study of the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than September 30, 1987, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

SEC. 721. CHESAPEAKE BAY DROUGHT MANAGEMENT.

(a) The Secretary shall study and develop a plan for drought management and low fresh-water inflow maintenance on the major tributaries entering the Chesapeake Bay, including, but not limited to, water conservation, water storage, emergency restrictions, and ground water recharge.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report on the study required by this section, together with recommendations, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House. The Secretary shall include in the report recommendations for appropriate Federal and non-Federal responsibilities in carrying out the plan.

(c) The Secretary is authorized to undertake feasibility reports with respect to those responsibilities identified in the report under subsection (b) as Federal responsibilities.

SEC. 722. GUAYANILLA RIVER BASIN, PUERTO RICO.

(a) The Secretary shall conduct a feasibility study on providing flood protection in the Guayanilla River Basin, Puerto Rico.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study together with such recommendations as the Secretary determines to be appropriate.

SEC. 723. STUDY OF HYDROPOWER STATUS.

The Secretary shall prepare and submit to Congress not later than October 1, 1987, a report on the status of feasibility and reconnaissance studies (including studies completed and studies currently being conducted) relating to the hydroelectric power potential at existing Corps of Engineers projects in the States of Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Minnesota, Pennsylvania, and West Virginia.

SEC. 724. CANADIAN TIDAL POWER STUDY.

(a) The Secretary, after consultation with the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and other appropriate governmental agencies, and the National Research Coun-

cil of the National Academy of Sciences, is authorized and directed to undertake studies to identify the impacts on the United States of potential Canadian tidal power development in the Bay of Fundy, and submit such studies to the appropriate committees of the Congress.

(b) The Secretary shall conduct the studies authorized in subsection (a) of this section in two phases:

(1) Studies to be completed not later than October 1, 1988, to (A) identify effects of any such projects on tidal ranges and resulting impacts to beaches and estuarine areas, and (B) identify further studies which would be needed to meet the requirements of paragraph (2) of this subsection; and

(2) Studies to be completed not later than October 1, 1990, to (A) determine further environmental, social, economic, and institutional impacts of such tidal power development, and (B) determine what measures could be taken in Canada and the United States to offset or minimize any adverse impacts of such development on the United States.

(c) In the fiscal year ending September 30, 1987, or in any fiscal year thereafter, there is authorized to be appropriated to the Secretary the sum of $1,100,000 for the purposes of subsection (b)(1) of this section, and the sum of $8,900,000 for the purposes of subsection (b)(2) of this section, such sums to remain available until expended.

SEC. 725. RED RIVER BASIN HYDROELECTRIC POWER STUDIES.

The Secretary is directed to expedite the hydroelectric power studies of the Red River Basin Comprehensive Study, Arkansas, Texas, Louisiana, and Oklahoma (authorized by Public Law 98-63), with a particular view of investigating the feasibility of adding hydroelectric power generating facilities at the Tuskahoma Lake, Oklahoma, project.

SEC. 726. RAINY RIVER BASIN.

The Secretary shall conduct feasibility studies, in cooperation with Canada, for the purposes of providing plans for the development, utilization, and conservation of water and related land resources in the Rainy River Basin, Minnesota, and Ontario. Such studies shall include appropriate consideration of the needs for flood reduction, wise use of flood plain lands, navigation facilities, hydroelectric power generation, water supply, water quality, general recreation facilities, enhancement and conservation of fish and wildlife, and wild rice production. Such study shall be compatible with comprehensive development plans formulated by other agencies.

SEC. 727. UTAH RECONNAISSANCE STUDIES.

(a) The Secretary is authorized to undertake the following reconnaissance studies in the State of Utah in order to determine if improvements for the purposes of flood control and related purposes are economically and environmentally justified, and to report on such studies to Congress:

(1) the Provo River, from the mouth of Provo Canyon to Utah Lake;

(2) the existing levees along Utah Lake from the Provo River south along Interstate Highway 15;

(3) Interstate Highway 15, adjacent to Utah Lake;
(4) Rock, Little Rock, and Slate Canyons in the city of Provo;
(5) the Bear River, its tributaries and outlets;
(6) the Weber River, its tributaries and outlets; and
(7) the Sevier River, its tributaries and outlets.

(b) For the purposes of this section, the sum of $1,600,000 is authorized to be appropriated to the Secretary for fiscal years beginning after September 30, 1986, such sums to remain available until expended.

SEC. 728. NEW YORK BIGHT STUDY.

(a) The Secretary shall study a hydro-environmental monitoring and information system in the New York Bight in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight) of the following: wind, wave, current, salinity and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight.

(b) In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and for such an offshore model to be tied into the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

(c) The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in this section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water quality in the New York Bight.

(d) There is authorized to be appropriated not more than $1,000,000 per fiscal for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

SEC. 729. STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.

(a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1988.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

(c) There is authorized to be appropriated $5,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

SEC. 730. STUDY OF RECAPTURE OF BENEFITS OF INCREASED LAND VALUES.

The Secretary shall study current practices on the sharing of costs related to the benefits of increased land values resulting from water resources projects carried out by the Secretary, together with potential methods by which any increase in land values should be shared between the Federal Government and the non-Federal interests. The Secretary shall report to Congress on the results of such study, along

with recommendations, not later than 2 years after the date of enactment of this Act.

SEC. 731. STUDY OF RISING OCEANS.

(a) The Congress finds that increasing scientific evidence indicates the level of the oceans will rise significantly over the next seventy-five years.

(b) The Secretary, in cooperation with the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, and other appropriate Federal, State, and local agencies and the private sector, is authorized to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the prospect for long-term increases in the levels of the ocean. Such study shall include, but is not limited to—

(1) an assessment of the probability and the extent of coastal flooding and erosion;

(2) an appraisal of various strategies for managing relocation, disinvestment, and reinvestment in coastal communities exposed to coastal flooding and erosion;

(3) a summary of the legal and institutional impact of rising sea level on riparian lands; and

(4) recommendations for new or additional criteria for Federal participation in shoreline protection projects.

(c) Within three years after the date of enactment of this Act, the Secretary shall transmit the study prepared pursuant to subsection (b) of this section, together with supporting documentation and the recommendations of the Secretary, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) There is authorized to be appropriated $3,000,000 for fiscal years beginning after September 30, 1986, to carry out this section, such sum to remain available until expended.

SEC. 732. SHORELINE EROSION DAMAGE ON LAKE SUPERIOR.

The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, subsequent to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey and, if justified, recommendations of a methodology for and a determination of the costs of indemnifying individual property owners and a recommended schedule for indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

SEC. 733. LAKE OKEECHOBEE STUDY.

(a) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to undertake a study of the water supply potential of Lake Okeechobee in Florida, with particular emphasis on determining the causes of water quality deterioration in the lake and the impact, if any, that the Central and Southern Florida Irrigation Project may have on water quality

in the lake. In undertaking the study authorized pursuant to this section, the Secretary shall coordinate with the State of Florida and shall assess the impact of short- and long-term solutions proposed by Federal, State, and local entities to alleviate the water quality and water supply problems of Lake Okeechobee.

(b) Within two years after the first appropriation of funds for the study, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the study authorized pursuant to this section and any recommendations of the Secretary concerning measures which may be implemented at the Federal, State, or local level to improve the water quality and the water supply potential of Lake Okeechobee.

(c) There are authorized to be appropriated $1,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

TITLE VIII—PROJECT MODIFICATIONS

SEC. 801. LYNNHAVEN INLET, VIRGINIA.

The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a total cost of $2,600,000, with a first Federal cost of $2,600,000.

SEC. 802. ELIZABETH RIVER, VIRGINIA.

The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 percent of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers, at a total cost of $151,000, with a first Federal cost of $151,000.

SEC. 803. MASSILLON, OHIO BRIDGE.

The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at a total cost of $2,200,000, with an estimated first Federal cost of $1,100,000 and an estimated first non-Federal cost of $1,100,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

SEC. 804. MAMARONECK HARBOR, NEW YORK.

The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on

rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 50 percent.

SEC. 805. LAKE PONTCHARTRAIN, LOUISIANA.

Subject to section 903(b) of this Act, the hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at a total cost of $3,500,000, with an estimated first Federal cost of $2,275,000 and an estimated first non-Federal cost of $1,225,000, to ensure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 806. REELFOOT LAKE, KENTUCKY.

The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is modified to provide that the Federal share of the cost of operating the pumping plant feature of such project shall be 50 percent.

SEC. 807. YAQUINA BAY AND HARBOR, OREGON.

Subject to section 903(a) of this Act, the Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification, at a total cost of $4,700,000, with an estimated first Federal cost of $2,350,000 and an estimated first non-Federal cost of $2,350,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 808. SOUTH PLATTE RIVER BASIN, COLORADO.

The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of fea-

sibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Secretary determines appropriate.

SEC. 809. KING HARBOR, REDONDO BEACH, CALIFORNIA.

The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is modified to provide that—

(1) the Secretary is authorized to carry out maintenance dredging;

(2) if recommended in a report of the Chief of Engineers, the Secretary is authorized to construct the breakwaters to a height of 22 feet and maintain the breakwaters at such height, in accordance with such report; and

(3) the Secretary is authorized to carry out planning, engineering, and design for a project to raise the breakwater to a height greater than 22 feet.

The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 810. HONOLULU HARBOR, HAWAII.

The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 percent of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

SEC. 811. SANTA CRUZ HARBOR, SANTA CRUZ, CALIFORNIA.

(a) Subject to section 903(a) of this Act, the navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85–500) is modified to authorize the Secretary to seal the east jetty of such harbor to prevent sand from passing through, at a total cost of $4,000,000, with an estimated first Federal cost of $3,000,000 and an estimated first non-Federal cost of $1,000,000.

(b) The Secretary shall conduct a feasibility study of the long-term solutions to the shoaling problems in Santa Cruz Harbor and shall report the results of such study, along with recommendations, to the Congress upon completion of such study. There is authorized to be appropriated $600,000 for fiscal years beginning after September 30, 1986, to carry out such study.

SEC. 812. MOUTH OF THE COLORADO RIVER, TEXAS.

The project for the mouth of the Colorado River, Texas, authorized pursuant to section 101 of the River and Harbor Act of 1968 (82 Stat. 732), is modified to provide that the diversion features of the authorized project, to divert Colorado River flows into Matagorda Bay, shall be constructed in accordance with the cost sharing de-

scribed in section 906(e) for activities providing enhancement benefits to species identified as having national economic importance by the National Marine Fisheries Service. The non-Federal share of the cost of operation and maintenance of the modification shall be 25 percent in accordance with section 906(e). The Secretary is directed to construct the remaining navigation features and diversion features concurrently.

SEC. 813. ALABAMA-COOSA RIVER AND TRIBUTARIES, ALABAMA.

The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is modified to authorize the Secretary to carry out planning, engineering, and design for a project generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982.

SEC. 814. LAFARGE DAM, KICKAPOO RIVER, WISCONSIN.

(a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is modified to authorize and direct the Secretary to construct as soon as possible under section 205 of the Flood Control Act of 1948, the flood control levee, channel improvement, and interior drainage facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at a total cost of $5,000,000, with an estimated first Federal cost of $3,750,000 and an estimated first non-Federal $1,250,000. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

SEC. 815. WINONA, MINNESOTA.

The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is modified to provide that the non-Federal share of the cost of changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection shall be 50 percent, at a total cost of $630,000, with an estimated first Federal cost of $315,000 and an estimated first non-Federal cost of $315,000.

SEC. 816. LITTLE CALUMET RIVER.

(a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma

and the following: "and thereafter to maintain such channel free of such trees, roots, silt, debris, and objects, at a total cost of $10,000,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $5,000,000.".

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 50 percent of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

SEC. 817. NORTH BRANCH CHICAGO RIVER.

The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 50 percent of the cost of such maintenance operation.".

SEC. 818. BRAZOS RIVER BASIN, TEXAS.

The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 819. HOUSTON SHIP CHANNEL, TEXAS.

The project for navigation at the Houston Ship Channel (Greens Bayou), Texas, authorized pursuant to section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), the project for navigation at the Houston Ship Channel (Barbour Terminal Channel), Texas, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and the project for navigation at the Houston Ship Channel (Bayport Ship Channel), Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), are modified to authorize and direct the Secretary to assume responsibility for maintenance to forty-foot project depths, as constructed by non-Federal interests prior to enactment of this Act.

SEC. 820. RIO GRANDE BANK PROTECTION, TEXAS.

(a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 821. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of

the Flood Control Act of 1948, is modified to authorize the Secretary to carry out planning, engineering, and design to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at a total cost of $250,000.

SEC. 822. YAZOO RIVER, MISSISSIPPI.

The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is modified to provide that the Federal share of the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be 50 percent, at a total cost of $3,800,000, with an estimated first Federal cost of $1,900,000 and an estimated first non-Federal cost of $1,900,000.

SEC. 823. CORTE MADERA CREEK, MARIN COUNTY, CALIFORNIA.

The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is further modified to authorize and direct the Secretary to construct such flood-proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The project is further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

SEC. 824. TECHE-VERMILION BASINS, LOUISIANA.

The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is modified to require the Secretary to relocate the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for the Federal share of the cost of such relocation carried out by them, at a total cost of $1,200,000, with an estimated first Federal cost of $600,000 and an estimated first non-Federal cost of $600,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 825. LEWISVILLE LAKE, TEXAS.

Subject to section 903(a) of this Act, the project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is modified to authorize and direct the Secretary to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at a total cost of $3,000,000, with an estimated first Federal cost of $1,500,000 and an estimated first non-Federal cost of $1,500,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish, without cost to the United States, lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and

to accept all such work thereafter for operation and maintenance. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 826. DARDANELLE LOCK AND DAM, ARKANSAS.

Subject to section 903(a) of this Act, the project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge, at a total cost of $2,000,000, with an estimated first Federal cost of $1,000,000 and an estimated first non-Federal cost of $1,000,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 827. SUSQUEHANNA RIVER AT SUNBURY, PENNSYLVANIA.

The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at a total cost of $75,000, with an estimated first Federal cost of $56,000 and an estimated first non-Federal cost of $19,000. Cost sharing applicable to flood control projects shall apply to the project under this section.

SEC. 828. HUDSON RIVER, NEW YORK CITY TO WATERFORD.

The project for the Hudson River, New York; New York City to Waterford, authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), is modified to authorize the Secretary, if recommended in a report of the Chief of Engineers, to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, in accordance with such report, at a total cost of $150,000, with an estimated first Federal cost of $113,000 and an estimated first non-Federal cost of $37,000.

SEC. 829. SAN LORENZO RIVER, SANTA CRUZ COUNTY, CALIFORNIA.

The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is modified to authorize and direct the Secretary to carry out planning, engineering, and design for a project to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, at a total cost of $1,350,000.

SEC. 830. COLUSA TROUGH DRAINAGE CANAL, SACRAMENTO RIVER AND TRIBUTARIES, CALIFORNIA.

Subject to section 903(a) of this Act, the project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, is modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa

Trough Drainage Canal and the Knights Landing Ridge Cut, in accordance with such report, at a total cost of $11,000,000, with an estimated first Federal cost of $8,250,000 and an estimated first non-Federal cost of $2,750,000.

SEC. 831. GREAT EGG HARBOR, CORSON, AND TOWNSEND INLETS, NEW JERSEY.

The following water resources development projects are modified to authorize the Secretary, if recommended in a report of the Chief of Engineers, to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features, in accordance with such report:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 832. APALACHICOLA-CHATTAHOOCHEE-FLINT RIVERS, GEORGIA AND FLORIDA.

Subject to section 903(b) of this Act, the project for the Apalachicola-Chattahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79-14; 59 Stat. 10) is modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River;

at a total cost of $4,400,000, with an estimated first Federal cost of $2,950,000 and an estimated first non-Federal cost of $1,450,000.

SEC. 833. MILK RIVER, HAVRE, MONTANA.

Subject to section 903(b) of this Act, the project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at a total cost of $1,400,000.

SEC. 834. CURWENSVILLE LAKE, PENNSYLVANIA.

The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the town of Bloomington, Pennsylvania, at a total cost of $300,000, with an estimated first Federal cost of $225,000 and an estimated first non-Federal cost of $75,000. The non-Federal share of the cost of such project shall be 25 percent.

SEC. 835. WATERLOO, IOWA.

The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is modified to provide for the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project a total cost of $2,250,000, with an estimated first Federal cost of $1,125,000 and an estimated first non-Federal cost of $1,125,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 836. MUD LAKE, WESTERN TENNESSEE TRIBUTARIES.

The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is modified to provide that the requirements of local cooperation shall be (1) 50 percent of the value of the lands, easements, and rights-of-way, (2) to hold and save the United States free from damages due to the construction works, and (3) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

SEC. 837. KAWKAWLIN RIVER, MICHIGAN.

The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, is modified to provide that the Federal share of the cost of operation and maintenance of the project shall be 50 percent.

SEC. 838. DENISON DAM (LAKE TEXOMA), RED RIVER, TEXAS AND OKLAHOMA.

(a) The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), is modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma.

(b) For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority.

(c) For that portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with other qualified individuals, entities, or water utility systems. Nothing in the preceding sentence shall supersede any requirement of State law with respect to the use of any water subject to a contract.

(d)(1) All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500), as amended by section 932 of this Act.

(2) No payment shall be required from and no interest shall be charged to users in the States of Oklahoma or Texas for the reallocation authorized by this section until such time as the water supply storage reserved under such reallocation is actually first used. Any contract entered into for the use of the water received under this section shall require the contracting entity to begin principal and interest payments on that portion of the water allocated under the contract at the time the entity begins the use of such water. Until such time, storage for which reallocation is authorized in this section may be used for hydropower production.

(3) With respect to any water supply contract entered into by the Secretary under this section after June 1, 1985, the Secretary shall determine (A) the amount of hydropower lost, if any, as a result of the implementation of such contract, and (B) the replacement cost of the hydropower lost (where replacement cost is defined as the cost to purchase power from existing alternative sources). If hydropower is lost as a result of the implementation of such contract, the Secretary shall provide credits to the Southwestern Power Administration of amounts equal to such replacement costs. Such credits shall be against sums required to be paid by the Southwestern Power Administration for costs of the project allocated to hydropower. In each such case the Southwestern Power Administration shall reimburse each preference customer for an amount equal to the customer's actual replacement cost for hydropower lost as a result of the implementation of such contract, less the cost such customer would have had to pay to the Southwestern Power Administration for such hydropower.

(4) The Secretary may not increase payments of water users under a water supply contract under this section on account of the credits and reimbursement required to be provided under this section.

(e) Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

(f) Such project is further modified to include recreation as a project purpose.

SEC. 839. BUFFALO SHIP CANAL, BUFFALO, NEW YORK.

Subject to section 903(a) of this Act, the navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is modified to authorize and direct the Secretary to take such actions as may be necessary to construct a high-lift span bridge in the vicinity of the Coast Guard station, approximately 3,600 feet north of South Michigan Avenue, over the ship channel, at a total cost of $18,000,000, with an estimated first Federal cost of $9,000,000 and an estimated first non-Federal cost of $9,000,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 840. JACKSON HOLE SNAKE RIVER, WYOMING.

The project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbors Act of 1950 (Public Law 81-516), is modified to provide that the operation and maintenance of the project, and additions and modifications thereto constructed by non-Federal sponsors, shall be the responsibility of the Secretary: Provided, That non-Federal sponsors shall pay the initial $35,000 in cash or materials of any such cost expended in any one year, plus inflation as of the date of enactment of this Act.

SEC. 841. NEWPORT BAY HARBOR, CALIFORNIA.

Subject to section 903(b) of this Act, the project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain a 250-foot wide channel in the Upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth of 15 feet mean lower low water, and to deepen the channel in the existing project below the Pacific Coast Highway bridge to a depth of 15 feet mean lower low water, at a total cost of $3,500,000, with an estimated first Federal cost of $3,150,000 and an estimated first non-Federal cost of $350,000.

SEC. 842. SOUTH PLATTE RIVER BASIN, COLORADO.

The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

SEC. 843. BEAVER LAKE, ARKANSAS.

Subject to section 903(a) of this Act, the multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary

shall undertake a project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at a total cost of $5,100,000, with an estimated first Federal cost of $3,825,000 and an estimated first non-Federal cost of $1,275,000. The non-Federal share of the cost of the modification authorized by this section shall be 25 percent.

SEC. 844. MISSISSIPPI RIVER-GULF OUTLET.

(a) Subject to section 903(a) of this Act, the Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock or at the Violet site, at a total cost of $714,300,000. Before selecting the site under the preceding sentence, the Secretary shall consult with affected local communities. The costs of such modification shall be allocated between general cargo navigation and inland navigation, based on use patterns determined by the Secretary. Of the costs allocated to inland navigation, one-half of the Federal costs shall be paid from the Inland Waterways Trust Fund and one-half of the Federal costs shall be paid from the general fund of the Treasury. With respect to the costs allocated to general cargo navigation, cost sharing provided in section 101 shall apply.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Secretary is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

SEC. 845. SAGINAW RIVER, MICHIGAN.

The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1987 and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at a total cost of $626,000, with an estimated first Federal cost of $313,000 and an estimated first non-Federal cost of $313,000. The non-Federal share of the cost of the work authorized by the preceding sentence shall be 50 percent. The Secretary is also authorized to carry out planning, engineering, and design of measures to alleviate project-induced flood damages to areas outside the project area and such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes.

SEC. 846. BRUNSWICK HARBOR, GEORGIA.

The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

SEC. 847. HANSEN DAM, LOS ANGELES AND SAN GABRIEL RIVERS, CALIFORNIA.

(a) The Hansen Dam project authorized as part of the flood control project for the Los Angeles and San Gabriel Rivers, California, by section 5 of the Flood Control Act approved June 22, 1936 (49 Stat. 1589), is modified to authorize the Secretary to contract for the removal and sale of dredged material from the flood control basin for Hansen Dam, Los Angeles County, California, for the purposes of facilitating flood control, recreation, and water conservation. All funds received by the Secretary from the removal and sale of such dredged material shall be deposited in the general fund of the Treasury.

(b) There is authorized to be appropriated for fiscal years beginning after September 30, 1986, an amount not to exceed the amount of funds received by the Secretary from the removal and sale of dredged material under subsection (a). Amounts appropriated under this subsection shall be available to the Secretary—

(1) to construct, operate, and maintain recreational facilities at the Hansen Dam project; and

(2) to the extent consistent with other authorized project purposes, to facilitate water conservation and ground water recharge measures at the Hansen Dam project in coordination with the city of Los Angeles, California, and the Los Angeles County Flood Control District;

at full Federal expense.

SEC. 848. DUNKIRK HARBOR, NEW YORK.

Subject to section 903(a) of this Act, the project for navigation, Dunkirk Harbor, New York, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971, is modified to authorize the Secretary to include dredging and maintenance of the eastern inner harbor of such project in accordance with such plans as the Secretary, in consultation with appropriate non-Federal interests, may develop, at a total cost of $4,600,000, with an estimated first Federal cost of $2,300,000 and an estimated first non-Federal cost of $2,300,000.

SEC. 849. KALIHI CHANNEL, HONOLULU HARBOR, HAWAII.

(a) The project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is modified to authorize and direct the Secretary to maintain a 23-foot project depth in the Kalihi Channel portion of such project.

(b) The consent of Congress is given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the water of the Kalihi Channel, Honolulu Harbor, Hawaii.

SEC. 850. BAYOU LAFOURCHE, LOUISIANA.

The project for navigation, Bayou Lafourche and Lafourche-Jump Waterway, Louisiana, authorized by the River and Harbor Act of August 30, 1935, is modified to authorize the Secretary to carry out planning, engineering, and design for a project for the maintenance by the Secretary of a channel 30 feet deep from mile minus 2 to mile 0 in Belle Pass and of a channel 24 feet deep from mile 0 to mile 4 in Bayou Lafourche. The Secretary is authorized and directed to study the feasibility of deepening the channel from mile 0 to mile 4 in Bayou Lafourche to 30 feet. The Secretary shall report the results of such study with recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 851. NOYO, MENDOCINO COUNTY, CALIFORNIA.

(a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is modified to provide that the non-Federal interests shall contribute 50 percent of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) If, in lieu of diked disposal, the Secretary determines ocean disposal is necessary to carry out the project, the Federal share of the cost of such ocean disposal shall be 100 percent.

SEC. 852. ENDICOTT, JOHNSON CITY, AND VESTAL, NEW YORK.

Subject to section 903(a), the project for flood control, Endicott, Johnson City, and Vestal, New York, authorized by the Flood Control Act of 1954, is modified to authorize the Secretary to undertake such measures as may be necessary to correct erosion problems affecting the levee at Vestal, New York, and to perform necessary work to protect the levee and restore it to its design condition, at a total cost of $700,000, with an estimated first Federal cost of $525,000 and an estimated first non-Federal cost of $175,000. The non-Federal share of the cost of such measures and work shall be determined under section 103 of this Act.

SEC. 853. CAMBRIDGE CREEK, MARYLAND.

The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek.

SEC. 854. SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.

(a) Subject to section 903(a) of this Act, the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that the first Federal construction increment of the Ocean Township to Sandy Hook reach of such project shall consist of a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch, at a total cost of $40,000,000, with an estimated first Federal cost of $21,200,000 and an estimated first non-Federal cost of $18,800,000.

(b) The non-Federal share of the cost of construction and maintenance of the Ocean Township to Sandy Hook reach of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, shall consist of amounts expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey.

(c) Before initiation of construction of any increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, non-Federal interests shall agree to provide public access to the beach for which such increment of the project is authorized in accordance with all requirements of State law and regulations.

SEC. 855. TAYLORSVILLE LAKE, KENTUCKY.

The project for flood control, Taylorsville Lake, Kentucky, authorized by the Flood Control Act of 1956, is modified to authorize and direct the Secretary to replace the Floyd's Fork Bridge on Routt Road, Jefferson County, Kentucky, in order to provide improved access to the project, at a total cost of $750,000, with an estimated first Federal cost of $375,000 and an estimated first non-Federal cost of $375,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 856. LOWER SNAKE RIVER.

The project for the Lower Snake River Fish and Wildlife Compensation Plan, authorized by the Water Resources Development Act of 1976, is modified in accordance with the recommendations contained in the report of the Chief of Engineers, dated March 6, 1985, at a total cost of $177,000,000, with a first Federal cost of $177,000,000.

SEC. 857. ILLINOIS RIVER AT PEORIA, ILLINOIS.

The project for navigation, Illinois River at Peoria, Illinois, authorized by the River and Harbor Act of 1946, is modified to provide for the inclusion within the project an adjacent downstream water area of approximately 400 feet long by 200 feet wide developed by local interests for an enlarged small boat harbor, including Federal construction and maintenance of such area and an access channel to a depth of 7 feet, at a total cost of $50,000. The project features authorized by this section shall be carried out under section 107 of the River and Harbor Act of 1960.

SEC. 858. TAMPA HARBOR, FLORIDA.

The project for navigation for Tampa Harbor, Florida, authorized by the River and Harbor Act of 1970 is modified to authorize planning, engineering, and design for a project under section 107 of the River and Harbor Act of 1960 to widen the authorized Port Sutton Turning Basin an additional 105 feet to the fender line along Pendola Point, at a total cost of $900,000, with an estimated first Federal cost of $675,000 and an estimated first non-Federal cost of $225,000.

SEC. 859. SALEM RIVER, NEW JERSEY.

Subject to section 903(b) of this Act, the project for navigation, Salem River, New Jersey, is modified to provide that the depth of such project shall be 20 feet.

SEC. 860. COLD SPRING INLET, NEW JERSEY.

The navigation project, Cold Spring Inlet, New Jersey, is modified to authorize the Secretary to carry out planning, engineering, and design for a project to increase the depth of the 2,000 foot reach of the New Jersey Intracoastal Waterway in Cape May County to 15 feet.

SEC. 861. FORT PECK, MONTANA.

The project for navigation and power generation, Fort Peck, Montana, authorized by the Act entitled "An Act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes", approved May 18, 1938 (16 U.S.C. 833), shall include recreation as a purpose of such project.

SEC. 862. FISHTRAP LAKE, KENTUCKY.

The project for Fishtrap Lake, Pike County, Kentucky, authorized as part of the flood control project for the Ohio River Basin by section 4 of the Flood Control Act approved June 28, 1938 (52 Stat. 1217), is modified to authorize the Secretary, notwithstanding the completion of such project in 1968, to carry out planning, engineering, and design for a project (1) to acquire by purchase any property in the drainage area for Fishtrap Lake, Kentucky, which is being used as a residence and any property in such drainage area which is being used as a cemetery, and (2) to relocate the owners of any property so acquired and any cemetery so acquired.

SEC. 863. SABINE RIVER CHANNEL, TEXAS.

The Sabine River channel of the Sabine-Neches Waterway, Texas, authorized by the River and Harbor Act of 1954, is modified to authorize the Secretary to carry out planning, engineering, and design for a project to extend such channel at a depth of 30 feet and a width of 200 feet, from its present upstream terminus opposite Green Avenue in Orange, Texas, generally following the present river alignment a distance of approximately one and one-quarter miles to a point opposite Little Cypress Bayou.

SEC. 864. CLARKS HILL RESERVOIR, SAVANNAH RIVER BASIN, GEORGIA.

The project for flood control, Clarks Hill Reservoir, Savannah River Basin, Georgia and South Carolina, authorized by the Flood Control Act approved December 22, 1944, is modified to include recreation and fish and wildlife management as project purposes. Project lands which are managed or reserved as of the date of the enactment of this section for the conservation, enhancement, or preservation of fish and wildlife and for recreation shall be considered as lands necessary for such purposes.

SEC. 865. CAPE CHARLES CITY HARBOR, VIRGINIA.

The project for navigation, Cape Charles City Harbor, Virginia, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 15), is modified to provide that the local interests shall not be required—

(1) to provide bulkheads, or

(2) to reserve berthing space for general public use,

along a greater distance of the shoreline than such bulkheads are provided or such berthing space is reserved on the date of the enactment of this Act.

SEC. 866. EAST CHESTER CREEK, NEW YORK.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950, is modified to provide that the Secretary, out of any amounts made available to the Secretary for operation and maintenance of water resources projects, shall dredge within two years after the date of the enactment of this Act, and maintain thereafter, the Y-shaped portion of such project, at a total cost of $500,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $50,000.

SEC. 867. SAVANNAH HARBOR, GEORGIA.

The project for navigation, Savannah Harbor, Georgia, authorized by the River and Harbor Act of 1965, is modified to authorize the Secretary to carry out planning, engineering, and design for a project to remove drift and debris from the harbor as part of operation and maintenance.

SEC. 868. TACOMA HARBOR, WASHINGTON.

The city waterway navigation channel project, Tacoma Harbor, Washington, authorized by the first section of the River and Harbor Act of June 13, 1902 (32 Stat. 347), is modified to direct the Secretary to redefine the boundaries of such project in accordance with the recommendations contained in the report of the Chief of Engineers, dated May 3, 1983.

SEC. 869. DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND.

Subject to section 903(a) of this Act, the project for hurricane-flood protection and beach erosion control along the Delaware Coast from Cape Henlopen to Fenwick Island at the Delaware-Maryland State Line, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483), is modified to authorize the construction of sand bypass facilities and stone revetment erosion control measures at Indian River Inlet, Delaware, as described in the General Design Memorandum and Environmental Assessment, dated November 1984, and approved by the Chief of Engineers in January 1986, at a total cost of $4,000,000, with an estimated first Federal cost of $2,500,000 and an estimated first non-Federal cost of $1,500,000. Project costs shall be allocated under the terms of section 111 of the Flood Control Act of 1968 if that is determined by the Secretary to be appropriate.

SEC. 870. WINOOSKI RIVER, WATERBURY, VERMONT

The Waterbury, Vermont, project in the Winooski River Basin, authorized for modification in section 10 of the Act of December 22, 1944 (58 Stat. 892), is further modified to provide that restoration to the concrete work on the dam shall be undertaken by the Secretary. Nothing in this section shall be construed as altering the conditions established in the Federal Power Commission license numbered 2090, issued on September 16, 1954. Cost sharing applicable to flood control projects shall apply to the work authorized by this section.

SEC. 871. RIO GRANDE FLOODWAY. NEW MEXICO.

Subject to section 903(b) of this Act, the project for flood protection for the Rio Grande Floodway, Truth or Consequences Unit, New Mexico, authorized by the Flood Control Acts of 1948 and 1950, is modified to provide that the Secretary is authorized to construct a

flood control dam on Cuchillo Negro Creek, a tributary of the Rio Grande, in lieu of the authorized floodway.

SEC. 872. CONNECTICUT RIVER BASIN.

(a) Subject to section 903(a) of this Act, the comprehensive plan for the control of floodwaters in the Connecticut River Basin, Vermont, New Hampshire, Massachusetts, and Connecticut, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1572), is modified to authorize and direct the Secretary to design, construct, operate, and maintain facilities at Townshend Dam, West River, Vermont, to enable upstream migrant adult Atlantic salmon to bypass that dam and Ball Mountain Dam, Vermont, and to provide at both Townshend and Ball Mountain Dams facilities as necessary for the downstream passage of juvenile Atlantic salmon, at a total cost of $1,000,000, with a first Federal cost of $1,000,000.

(b) Prior to construction of the work authorized by this section, non-Federal interests shall agree to hold and save the United States harmless for any damages incurred in the construction and operation of such fish-passage facilities, and provide all lands, easements, rights-of-way, and relocations as may be reasonably necessary for the construction and operation of the fish-passage facilities.

TITLE IX—GENERAL PROVISIONS

SEC. 901. ANNUAL OBLIGATION CEILINGS.

Notwithstanding any other provision of law, the Secretary shall, from funds appropriated, obligate no sums in excess of the sums specified in this title for the combined purpose of the "Construction, General" account and the construction component of the "Flood Control, Mississippi River and Tributaries" account:

(1) For the fiscal year ending September 30, 1987, the sum of $1,400,000,000.

(2) For the fiscal year ending September 30, 1988, the sum of $1,500,000,000.

(3) For the fiscal year ending September 30, 1989, the sum of $1,600,000,000.

(4) For the fiscal year ending September 30, 1990, the sum of $1,700,000,000.

(5) For the fiscal year ending September 30, 1991, the sum of $1,800,000,000.

Nothing contained herein limits or otherwise amends authority conferred under section 10 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 621). Any amounts obligated against funds furnished or reimbursed during each such fiscal year by other Federal agencies or non-Federal interests shall not be counted against the limitation on obligations provided for in this Act.

SEC. 902. MAXIMUM COST OF PROJECTS.

In order to insure against cost overruns, each total cost set forth in this Act, or an amendment made by this Act, for a project shall be the maximum cost of that project, except that such maximum amount—

(1) may be increased by the Secretary for modifications which do not materially alter the scope or functions of the project as

authorized, but not by more than 20 percent of the total cost stated for the project in this Act or in an amendment made by this Act; and

(2) shall be automatically increased for—

(A) changes in construction costs applied to unconstructed features (including real property acquisitions, preconstruction studies, planning, engineering, and design) from the date of enactment of this Act (unless otherwise specified) as indicated by engineering and other appropriate cost indexes; and

(B) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

SEC. 903. GENERAL REQUIREMENTS.

(a) PROCEDURE FOR CERTAIN PROJECTS AUTHORIZED FOR CONSTRUCTION.—(1) In the case of any project authorized for construction by this Act which is specifically made subject to this subsection, no construction may be commenced until the Secretary has reviewed and commented on such project and reported thereon to the Congress, or until 90 days have passed following the receipt of the proposed plan of the project from the Chief of Engineers, whichever first occurs.

(2) The Secretary shall review and comment on—

(A) at least one-third of the projects to which this subsection applies during the one-year period beginning on the date of enactment of this Act,

(B) at least two-thirds of such projects during the two-year period beginning on the date of enactment of this Act, and

(C) all of such projects during the three-year period beginning on the date of enactment of this Act.

(3) Any project to which this subsection applies on which the Secretary has not commented before the end of the 3-year period beginning on the date of enactment of this Act shall be deemed to have been approved by the Secretary for purposes of this subsection.

(b) PROCEDURE FOR PROJECTS AUTHORIZED FOR CONSTRUCTION SUBJECT TO A FAVORABLE REPORT.—Any project specifically made subject to this subsection is authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the report cited for such project, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

(c) BENEFIT-COST RATIO WAIVER.—(1) In his recommendations for authorization of any project, or separable element, for flood control, the Secretary may include features that would not produce national economic development benefits greater than cost, if the non-Federal interests enter into a binding agreement requiring the non-Federal interests to pay during construction of the project or separable ele-

ment an amount sufficient to make the remaining costs of that project or separable element equal to the estimated value of the national economic development benefits of that project or separable element.

(2) Non-Federal payments pursuant to paragraph (1) shall be in addition to payments required under section 103 of this Act which are applicable to the remaining costs of the project.

(d) OTHER REQUIREMENTS.—Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

SEC. 904. MATTERS TO BE ADDRESSED IN PLANNING.

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment, the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, shall be displayed in the benefits and costs of such projects.

SEC. 905. FEASIBILITY REPORTS.

(a) In the case of any water resources project-related study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report, subject to section 105 of this Act. Such feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b), (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), and (4) general studies not intended to lead to recommendation of a specific water resources project.

(b) Before initiating any feasibility study under subsection (a) of this section after the date of enactment of this Act, the Secretary shall first perform, at Federal expense, a reconnaissance study of the water resources problem in order to identify potential solutions to such problem in sufficient detail to enable the Secretary to determine whether or not planning to develop a project should proceed to the preparation of a feasibility report. Such reconnaissance study shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project, and an estimate of the costs of preparing the feasibility report. The duration of a reconnaissance study shall normally be no more than twelve months, but in all cases is to be limited to eighteen months.

(c) For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.

(d) The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

SEC. 906. FISH AND WILDLIFE MITIGATION.

(a)(1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced as of the date of enactment of this Act, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests—

(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses),

whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project.

(2) For the purposes of this subsection, any project authorized before the date of enactment of this Act on which more than 50 percent of the land needed for the project, exclusive of mitigation lands, has been acquired shall be deemed to have commenced construction under this subsection.

(b)(1) After consultation with appropriate Federal and non-Federal agencies, the Secretary is authorized to mitigate damages to fish and wildlife resulting from any water resources project under his jurisdiction, whether completed, under construction, or to be constructed. Such mitigation may include the acquisition of lands, or interests therein, except that—

(A) acquisition under this paragraph shall not be by condemnation in the case of projects completed as of the date of enactment of this Act or on which at least 10 percent of the physical

construction on the project has been completed as of the date of enactment of this Act; and

(B) acquisition of water, or interests therein, under this paragraph, shall not be by condemnation.

The Secretary, shall, under the terms of this paragraph, obligate no more than $30,000,000 in any fiscal year. With respect to any water resources project, the authority under this subsection shall not apply to measures that cost more than $7,500,000 or 10 percent of the cost of the project, whichever is greater.

(2) Whenever, after his review, the Secretary determines that such mitigation features under this subsection are likely to require condemnation under subparagraph (A) or (B) of paragraph (1) of this subsection, the Secretary shall transmit to Congress a report on such proposed modification, together with his recommendations.

(c) Costs incurred after the date of enactment of this Act for implementation and operation, maintenance, and rehabilitation to mitigate damages to fish and wildlife shall be allocated among authorized project purposes in accordance with applicable cost allocation procedures, and shall be subject to cost sharing or reimbursement to the same extent as such other project costs are shared or reimbursed, except that when such costs are covered by contracts entered into prior to the date of enactment of this Act, such costs shall not be recovered without the consent of the non-Federal interests or until such contracts are complied with or renegotiated.

(d) After the date of enactment of this Act, the Secretary shall not submit any proposal for the authorization of any water resources project to the Congress unless such report contains (1) a recommendation with a specific plan to mitigate fish and wildlife losses created by such project, or (2) a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind, to the extent possible. In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(e) In those cases when the Secretary, as part of any report to Congress, recommends activities to enhance fish and wildlife resources, the first costs of such enhancement shall be a Federal cost when—

(1) such enhancement provides benefits that are determined to be national, including benefits to species that are identified by the National Marine Fisheries Service as of national economic importance, species that are subject to treaties or international convention to which the United States is a party, and anadromous fish;

(2) such enhancement is designed to benefit species that have been listed as threatened or endangered by the Secretary of the Interior under the terms of the Endangered Species Act, as amended (16 U.S.C. 1531, et seq.), or

(3) such activities are located on lands managed as a national wildlife refuge.

When benefits of enhancement do not qualify under the preceding sentence, 25 percent of such first costs of enhancement shall be provided by non-Federal interests under a schedule of reimbursement determined by the Secretary. The non-Federal share of operation,

maintenance, and rehabilitation of activities to enhance fish and wildlife resources shall be 25 percent.

(f) Fish and wildlife enhancement measures carried out as part of the project for Atchafalaya Floodway System, Louisiana, authorized by Public Law 99-88, and the project for Mississippi Delta Region, Louisiana, authorized by the Flood Control Act of 1965, shall be considered to provide benefits that are national for purposes of this section.

(g) The provisions of subsections (a), (b), and (d) shall be deemed to supplement the responsibility and authority of the Secretary pursuant to the Fish and Wildlife Coordination Act, and nothing in this section is intended to affect that Act.

SEC. 907. BENEFITS AND COSTS ATTRIBUTABLE TO ENVIRONMENTAL MEASURES.

In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including improvement of the environment and fish and wildlife enhancement, shall be deemed to be at least equal to the costs of such measures.

SEC. 908. MITIGATION FUND.

There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund $35,000,000 for fiscal years beginning after September 30, 1986. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 909. RIVER BASIN AUTHORIZATIONS.

(a) In addition to previous authorizations, there is authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin or project that is referred to below by name and date of basic authorization, such sums as are necessary for the Secretary to complete the comprehensive plan of development.

Basin	*Act of Congress*
Alabama-Coosa River Basin	*March 2, 1945*
Arkansas River Basin	*June 28, 1938*
Arkansas-Red River Basin	*November 7, 1966*
Baltimore Harbor	*December 31, 1970*
Blue River Basin	*December 31, 1970*
Brazos River Basin	*September 3, 1954*
Central and Southern Florida	*June 30, 1948*
Columbia River Basin	*May 17, 1950*
Connecticut River Basin	*June 22, 1936*
Cottonwood Creek, California	*December 31, 1970*
Gulf Intracoastal Waterway, St. Marks, Tampa.	*August 13, 1986*
Mississippi River and Tributaries	*May 15, 1928*

Basin	*Act of Congress*
Missouri River Basin	*June 28, 1938*
North Branch Susquehanna River Basin.	*July 3, 1958*
Ohio River Basin	*June 22, 1936*
Ouachita River Basin	*May 17, 1950*
Red Run Drain and Lower Clinton River.	*December 31, 1970*
Red River Waterway	*August 13, 1968*
Sabine River Basin	*December 31, 1970*
Sacramento River Basin	*December 22, 1944*
San Joaquin River Basin	*December 22, 1944*
Santa Ana River Basin	*June 22, 1936*
South Platte River Basin	*May 17, 1950*
Tampa Harbor	*December 31, 1970*
Trinity River Basin	*October 27, 1965*
Upper Mississippi River Basin	*June 28, 1938*
Wabash River Basin	*August 13, 1968*
White River Basin	*June 28, 1938*

(b) The sums authorized by this section include those necessary for the Secretary to complete local flood protection in the Columbia River Basin, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178).

SEC. 910. CONTINUED PLANNING AND INVESTIGATIONS.

(a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the one-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

(b) Not later than January 15, 1987, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) The authorization made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any other such authorization.

SEC. 911. REVIEW OF COST EFFECTIVENESS OF DESIGN.

During the design of each water resources project which has a total cost in excess of $10,000,000, which is authorized before, on, or after the date of enactment of this Act and undertaken by the Secretary, and on which construction has not been initiated as of the

date of enactment of this Act, the Secretary shall require a review of the cost effectiveness of such design. The review shall employ cost control techniques which will ensure that such project is designed in the most cost-effective way for the life of the project.

SEC. 912. SECTION 221 AGREEMENTS.

(a) Section 221(a) of the Flood Control Act of 1970 is amended—

(1) by inserting ", or an acceptable separable element thereof," after "water resources project", and by inserting "or the appropriate element of the project, as the case may be" after "for the project"; and

(2) by adding at the end the following: "In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.".

(b)(1) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary shall issue an order requiring such non-Federal interest to provide such cooperation. After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.

(3) Non-Federal interests shall be liable for interest on any payments required pursuant to section 221 of the Flood Control Act of 1970 that may fall delinquent. The interest rate to be charged on any such delinquent payment shall be at a rate, to be determined by the Secretary of the Treasury, equal to 150 percent of the average bond equivalent rate of the thirteen-week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional three-month period if the period of delinquency exceeds three months.

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for any violation of an order issued under this section, to collect a civil penalty imposed under this section, to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of any civil penalty imposed

under this section, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

(5) The Secretary is authorized to determine that no funds appropriated for operation and maintenance, including operation and maintenance of the project for flood control, Mississippi River and Tributaries, are to be used for the particular benefit of projects within the jurisdiction of any non-Federal interest when such non-Federal interest is in arrears for more than twenty-four months in the payment of charges due under an agreement entered into with the United States pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91-611).

SEC. 913. SECTION 215 AGREEMENTS.

Section 215(a) of the Flood Control Act of 1968 is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 914. URBAN AND RURAL FLOOD CONTROL FREQUENCY.

In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary may consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff. This section shall apply with respect to any project, or separable element thereof, the Federal share of the cost of which is less than $3,000,000.

SEC. 915. SMALL PROJECT AUTHORIZATIONS.

(a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" in the first sentence and inserting in lieu thereof "$40,000,000" and by striking out "$4,000,000" in the third sentence and inserting in lieu thereof "$5,000,000".

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "$5,000,000" and inserting in lieu thereof "$7,500,000" and by striking out "$250,000" and inserting in lieu thereof "$500,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,500,000" and by striking out "$250,000" and inserting in lieu thereof "$500,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$25,000,000" and inserting in lieu thereof "$35,000,000". Subsection (b) of such section is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000"

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and

harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "$300,000" and inserting in lieu thereof "$1,000,000".

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 916. FEDERAL REPAYMENT DISTRICT.

(a) The Secretary may enter into a contract providing for the payment or recovery of an appropriate share of the costs of a project under his responsibility with a Federal Project Repayment District or other political subdivision of a State prior to the construction, operation, improvement, or financing of such project. The Federal Project Repayment District shall include lands and improvements which receive identifiable benefits from the construction or operation of such project. Such districts shall be established in accordance with State law, shall have specific boundaries which may be changed from time to time based upon further evaluations of benefits, and shall include the power to collect a portion of the transfer price from any transaction involving the sale, transfer, or change in beneficial ownership of lands and improvements within the district boundaries.

(b) Prior to execution of an agreement pursuant to subsection (a) of this section, the Secretary shall require and approve a study from the State or political subdivision demonstrating that the revenues to be derived from a contract under this section, or an agreement with a Federal Project Repayment District, will be sufficient to equal or exceed the cost recovery requirements over the term of repayment required by Federal law.

SEC. 917. EMERGENCY AND DISASTER AUTHORITY.

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, includ-

ing, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services.".

SEC. 918. SURVEYING AND MAPPING.

Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 919. PETROLEUM PRODUCT INFORMATION.

(a) The Secretary shall disclose petroleum product information to any State taxing agency making a request under subsection (b). Such information shall be disclosed for the purpose of, and only to the extent necessary in, the administration of State tax laws.

(b) Disclosure of information under this section shall be permitted only upon written request by the head of the State taxing agency and only to the representatives of such agency designated in such written request as the individuals who are to inspect or to receive the information on behalf of such agency. Any such representative shall be an employee or legal representative of such agency.

(c)(1) Requests for the disclosure of information under this section, and such disclosure, shall be made in such manner and at such time and place as shall be prescribed by the Secretary.

(2) Information disclosed to any person under this section may be provided in the form of written documents or reproductions of such documents, or by any other mode or means which the Secretary determines necessary or appropriate. A reasonable fee may be prescribed for furnishing such information.

(3) Any reproduction of any document or other matter made in accordance with this subsection shall have the same legal status as the original, and any such reproduction shall, if properly authenticated, be admissible in evidence in any judicial or administrative proceeding as if it were the original, whether or not the original is in existence.

(d) The Secretary shall not disclose information to a State taxing agency of a State under this section unless such State has in effect provisions of law which—

(1) exempt such information from disclosure under a State law requiring agencies of the State to make information available to the public, or

(2) otherwise protect the confidentiality of the information.

Nothing in the preceding sentence shall be construed to prohibit the disclosure by an officer or employee of a State of information to another officer or employer of such State (or political subdivision of such State) to the extent necessary in the administration of State tax laws.

(e) For purposes of this section, the term—

(1) "petroleum product information" means information relating to petroleum products transported by vessel which is received by the Secretary (A) under section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other

purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), or (B) under any other legal authority; and

(2) "State taxing agency" means any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws.

(f) Section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555) is amended—

(1) by striking out "$100" and inserting in lieu thereof "not more than $5,000"; and

(2) by inserting a new sentence at the end thereof as follows: "In addition, the Secretary may assess a civil penalty of up to $2,500, per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this section by the Secretary.".

SEC. 920. LAW ENFORCEMENT CONTRACTS.

Subsection (b) of section 120 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5d) is amended to read as follows:

"(b) There is authorized to be appropriated $10,000,000 per fiscal year for each fiscal year beginning after September 30, 1986, to carry out this section.".

SEC. 921. PLANNING ASSISTANCE TO STATES.

Section 22(b) of the Water Resources Development Act of 1974 is amended—

(1) by striking out "$4,000,000" and inserting in lieu thereof "$6,000,000"; and

(2) by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 922. SERVICES TO STATE AND LOCAL GOVERNMENTS.

Section 3036(d) of title 10, United States Code, is amended by striking out "and may provide" and inserting in lieu thereof the following: "and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

"(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

"(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.".

SEC. 923. REPROGRAMMING DURING NATIONAL EMERGENCIES.

(a) In the event of a declaration of war or a declaration by the President of a national emergency in accordance with the National Emergencies Act (90 Stat. 1255; 50 U.S.C. 1601) that requires or may require use of the Armed Forces, the Secretary, without regard to any other provision of law, may (1) terminate or defer the construction, operation, maintenance, or repair of any Department of the Army civil works project that he deems not essential to the national defense, and (2) apply the resources of the Department of the Army's civil works program, including funds, personnel, and equipment, to construct or assist in the construction, operation, maintenance, and

repair of authorized civil works, military construction, and civil defense projects that are essential to the national defense.

(b) The Secretary shall immediately notify the appropriate committees of Congress of any actions taken pursuant to the authorities provided by this section, and cease to exercise such authorities not later than 180 calendar days after the termination of the state of war or national emergency, whichever occurs later.

SEC. 924. OFFICE OF ENVIRONMENTAL POLICY.

The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

SEC. 925. COMPILATION OF LAWS; ANNUAL REPORTS.

(a) Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 1987, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, the Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. The Secretary shall transmit copies of each such volume to Congress.

(b) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities, and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities. The Secretary shall publish an index with each annual report.

(c) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. Each report shall include an index. The report for each State shall be prepared in a separate volume. The reports under this subsection shall be published at the same time and the first such reports shall be published not later than one year after the date of the enactment of this Act.

SEC. 926. ACQUISITION OF RECREATION LANDS.

(a) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced

before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

(b) The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

SEC. 927. OPERATION AND MAINTENANCE ON RECREATION LANDS.

The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

SEC. 928. IMPACT OF PROPOSED PROJECTS ON EXISTING RECREATION FACILITIES.

Any report describing a project having recreation benefits that is submitted after the date of enactment of this Act to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary, or by the Secretary of Agriculture under authority of the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1001 et. seq.), shall describe the usage of other, similar public recreational facilities within the general area of the project, and the anticipated impact of the proposed project on the usage of such existing recreational facilities.

SEC. 929. AGRICULTURAL BENEFITS.

Section 2 of the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1002) is amended by inserting after the proviso in the paragraph relating to the definition of "works of improvement" the following: "Each such project submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives after July 1, 1987, must contain benefits directly related to agriculture that account for at least 20 percent of the total benefits of the project.".

SEC. 930. PUBLIC ACCESS TO WATER IMPOUNDMENTS.

The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, shall study and report to the appropriate committees of the Senate and the House of Representatives by April 1, 1988, on the feasibility, the desirability, and the public interest involved in requiring that public access be provided to any or all water impoundments that have recreation-related potential and that were authorized pursuant to the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1001 et. seq).

SEC. 931. INTERIM USE OF WATER SUPPLY FOR IRRIGATION.

Section 8 of the Act of December 22, 1944 (58 Stat. 891; 43 U.S.C. 390), is amended by adding at the end the following: "In the case of any reservoir project constructed and operated by the Corps of Engi-

neers, the Secretary of the Army is authorized to allocate water which was allocated in the project purpose for municipal and industrial water supply and which is not under contract for delivery, for such periods as he may deem reasonable, for the interim use for irrigation purposes of such storage until such storage is required for municipal and industrial water supply. No contracts for the interim use of such storage shall be entered into which would significantly affect then-existing uses of such storage.".

SEC. 932. WATER SUPPLY ACT AMENDMENTS.

(a) Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; 43 U.S.C. 390b(b)), is amended as follows:

(1) in the third proviso, after "That" insert the following: "(1) for Corps of Engineers projects, not to exceed 30 percent of the total estimated cost of any project may be allocated to anticipated future demands, and, (2) for Bureau of Reclamation projects,",

(2) in the fourth proviso, after "That" insert the following: "for Corps of Engineers projects, the Secretary of the Army may permit the full non-Federal contribution to be made, without interest, during construction of the project, or, with interest, over a period of not more than thirty years from the date of completion, with repayment contracts providing for recalculation of the interest rate at, five-year intervals, and for Bureau of Reclamation projects,",

(3) after the first sentence insert the following: "For Corps of Engineers projects, all annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis. For Corps of Engineers projects, any repayment by a State or local interest shall be made with interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or, when a recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs.", and

(4) strike out "The interest rate used" and insert in lieu thereof: "For Bureau of Reclamation projects, the interest rate used".

(b) Nothing in this section shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958, or Federal reclamation law and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act.

SEC. 933. COST SHARING FOR DISPOSAL OF MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by inserting "by such State of 50 percent" after "upon payment".

SEC. 934. BEACH NOURISHMENT.

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

SEC. 935. ACQUISITION OF BEACH FILL.

Notwithstanding any other provision of law, in any case in which the use of fill material for beach erosion and beach nourishment is authorized as a purpose of an authorized water resources project, the Secretary is authorized to acquire by purchase, exchange, or otherwise from nondomestic sources and utilize such material for such purposes if such materials are not available from domestic sources for environmental or economic reasons.

SEC. 936. STUDY OF CORPS CAPABILITIES.

The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. As part of such study the Secretary shall consider appropriate measures to increase reliance on the private sector in the conduct of the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve the capabilities referred to in the first sentence of this section, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

SEC. 937. REPORTS ON HYDROPOWER STATISTICS.

Not later than January 15, 1988, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

In carrying out the study under this section, the Secretary shall compare the actual amount of capital costs repaid to that amount that would be required to repay capital costs. The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1985, on a fiscal year basis in constant dollars. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

SEC. 938. REPORTS ON SMALL BUSINESS CONTRACTS.

(a)(1) The Secretary shall, on an annual basis, transmit to the Committee on Public Works and Transportation of the House of

Representatives and the Committee on Environment and Public Works of the Senate, a report describing the number and dollar amount of contracts awarded in each industry category or subcategory broken down by Engineer District of the Army Corps of Engineers. Such report shall include the number and dollar amount of contracts (A) set aside for small business concerns; (B) awarded to small business or small disadvantaged business concerns; (C) available for competition by qualified firms of all sizes; and (D) awarded to other than small business or small disadvantaged business concerns.

(2) For purposes of this section, the term—

(A) "contract" means any contract, or any subcontract in connection with a subcontracting plan entered into pursuant to section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)), which is funded through appropriations made available to the Corps of Engineers-Civil; and

(B) "industry category or subcategory" means the four digit SIC category or subcategory defined by the Small Business Administration.

(b) In the interest of efficient and cost effective operations by the Secretary, the Comptroller General of the United States shall conduct a study of the Secretary's contracting procedures for civil works projects. Such study shall examine whether potential bidders or offerors, regardless of their size, are allowed to compete fairly in the interest of lowering cost on contracts for construction. Within two years of the date of enactment of this Act, the Comptroller General shall report his findings to Congress together with an assessment of whether contract procedures are applied uniformly among the various field offices under the Secretary's jurisdiction. The report shall also provide recommendations on improving contracting procedures, including (1) how the Secretary can prepare proposals for construction that assure, to the greatest extent reasonable, that no potential bidder or offeror is precluded from competing fairly for contracts, (2) whether recordkeeping requirements imposed by the Secretary on contractors are appropriate in the interest of competition, and (3) the extent to which the private sector can be used more efficiently by the Secretary in contracting for construction, architecture, engineering, surveying, and mapping.

SEC. 939. WRECK REMOVAL.

(a) Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking out "voluntarily or carelessly";

(2) by striking out "accidentially or otherwise,"; and

(3) by inserting ", lessee, or operator" after "owner" each place it appears.

(b) Sections 19 and 20 of the Act of March 3, 1899 (30 Stat. 1154; 33 U.S.C. 414 and 415) are amended by inserting "(a)" before the first word of each section and by adding the following new subsection at the end of each section:

"(b) The owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the cost of removal or destruction and disposal as described which exceeds the costs recovered under subsec-

tion (a). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of such vessel shall be deposited in the general fund of the Treasury of the United States.".

SEC. 940. SHORE DAMAGE MITIGATION.

Section 111 of the River and Harbor Act of 1968 (82 Stat. 735, 33 U.S.C. 426i) is amended to read as follows:

"SEC. 111. The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures for the prevention or mitigation of shore damages attributable to Federal navigation works, if a non-Federal public body agrees to operate and maintain such measures, and, in the case of interests in real property acquired in conjunction with nonstructural measures, to operate and maintain the property for public purposes in accordance with regulations prescribed by the Secretary. The costs of implementing measures under this section shall be cost-shared in the same proportion as the cost-sharing provisions applicable to the project causing the shore damage. No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds $2,000,000.".

SEC. 941. AQUATIC PLANT CONTROL.

Section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b)) is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,000,000".

SEC. 942. TECHNICAL ASSISTANCE.

(a) Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable to such State or local government for its use in carrying out—

(1) projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof; and

(2) projects for renovating navigable streams and tributaries thereof by means of predominantly nonstructural methods judged by the Secretary to be cost effective, for the purpose of improved drainage, water quality, and habitat diversity.

(b) The non-Federal share of the cost of any designs, plans, specifications or technical assistance provided under subsection (a) shall be 50 percent.

SEC. 943. HISTORICAL PROPERTIES.

The Secretary is authorized to preserve, restore, and maintain those historic properties located on water resource development project lands under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

SEC. 944. FLOOD HAZARD INFORMATION.

The Secretary, the Director of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educa-

tional materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

SEC. 945. DREDGE VESSEL DISPOSAL.

Notwithstanding any other provision of law, the Administrator of the General Services Administration, pursuant to the provisions of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949, may dispose of any Corps of Engineers vessel used for dredging that is declared to be in excess of Federal needs by the Secretary, together with related equipment owned by the United States and under the control of the Chief of Engineers, through sale or lease to a foreign government as part of a Corps of Engineers technical assistance program, or to a Federal or State maritime academy for training purposes, or to a non-Federal public body for scientific, educational, or cultural purposes, or through sale solely for scrap to foreign or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of engaging in dredging activities. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized by section 101 of the Civil Functions Appropriations Act, 1954 (67 Stat. 199; 33 U.S.C. 576), to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

SEC. 946. LIGHTING AT DOCKS AND BOAT LAUNCHING FACILITIES.

Whenever the Secretary considers a permit application for a dock or a boat launching facility under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), the Secretary shall consider the needs of such facility for lighting from sunset to sunrise to make such facility's presence known within a reasonable distance.

SEC. 947. PRIORITY OF COAL LOADING VESSELS.

Section 5 of Public Law 96-387 (46 U.S.C. App. 1121-1) is amended by striking "until June 30, 1987,".

SEC. 948. BUDGET ACT REQUIREMENTS.

Any spending authority under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget Act of 1974, except that such term does not include spending authority for which an exception is made under section 401(d) of such Act.

SEC. 949. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 950. USE OF FMHA FUNDS.

Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration may be used to pay the non-Federal share of any other Federal grant-in-aid program for any project for water resources, including water pollution control.

SEC. 951. REPORTS.

If any report required to be transmitted under this Act to the Committee on Public Works and Transportation of the House of Representatives or the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

TITLE X—PROJECT DEAUTHORIZATIONS

SEC. 1001. (a) Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b)(1) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if funds have not been obligated for construction of such project or element after the date of enactment of this Act and before December 31, 1989.

(2) Every two years after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after the date which is 30 months after the date the list is so transmitted if funds have not been obligated for construction of such project or element during such 30-month period.

(c) The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.

SEC. 1002. The following projects, with a total estimated authorized cost of $11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

ALABAMA

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1958.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River

and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700-foot training dike and the 1,800-foot breakwater.

ARKANSAS

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized

by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress; and the Flood Control Act of 1946.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950.

CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Bear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976, and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971.

The shallow-draft channel, Colusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel.

COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and

Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8).

The uncompleted portions of the project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of 1946, which portions consist of deepening the lower end of the Quinnipiac River Channel to 22 feet up to a point 1,000 feet above Ferry Street.

The project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The uncompleted portions of the project for navigation, Milford Harbor, Connecticut, authorized by the River and Harbor Act of June 13, 1902, and the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portions consist of a 5-acre anchorage, 10 feet deep, behind the east jetty at the east side of such jetty.

FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W., Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the mouth of the river to the Intracoastal Waterway, thence 100 feet

wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future landward extension of the groin and jetty on the northside of the inlet.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

That portion of the project for navigation, Tampa Harbor and Hillsborough Bay, Florida, authorized by the Act of August 8, 1917, which portion consists of the turning basin at the junction of Garrison Channel, Seddon Channel, and Hillsborough River.

GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and

Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

IDAHO

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

ILLINOIS

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

INDIANA

The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge & Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965.

The project for flood control, Garnett Lake, Pottawatomie Creek, Kansas, authorized by the Flood Control Act of 1954.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for navigation, Kansas River Navigation, Kansas, authorized by the River and Harbor Act of 1965.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood

Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A–A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

LOUISIANA

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana, authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana.

MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront.

MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge.

MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth

Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminster, Massachusetts.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal.

MICHIGAN

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet.

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

The feature of the project for navigation, Alpena Harbor, Michigan, authorized by the River and Harbor Act of 1965, which feature consists of the proposed turning basin and breakwater reconfiguration.

MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guidewall about 600 feet in length at lock numbered 3.

MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the River and Harbor Act of March 2, 1827.

MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970.

NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965.

NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950.

NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet.

NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881.

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

NORTH CAROLINA

The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

OHIO

The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Salt Creek Lake, Ohio, authorized by the Flood Control Act of 1962.

OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

SOUTH CAROLINA

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and

Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The portion of the project for navigation, Brazos Island Harbor, Texas, authorized by the River and Harbor Act of 1960, which portion consists of the north jetty extension.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 feet wide by 1,600 feet long and 30 feet deep.

The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intracoastal Waterway in Matagorda Bay between miles 454.3 and 471.3.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

The Liberty Local Protection feature of the project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for Gulf Intracoastal Waterway-Channel to Port Mansfield, Texas, authorized by section 4 of Public Law 86-248, which consists of a small craft basin at Port Mansfield, Texas.

UTAH

The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

VERMONT

The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

VIRGINIA

The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944.

The project for navigation, Stillaquamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

WISCONSIN

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1003. (a) The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965, is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary shall, during the five-year period beginning on the date of enactment of this Act, make all lands acquired by the United States for the Lakeport Lake project available for purchase by the Lake County Flood and Water Conservation District at the price at which such lands were acquired by the United States. Such District may waive the right to purchase any lands under the preceding sentence at any time during such period.

(c) Any conveyance of land under subsection (b) shall be made on the condition that the Lake County Flood and Water Conservation District retain title to and administer such land for flood control and related purposes. If, at any time after such conveyance, title to such land is not retained or such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States. Such lands shall remain in public ownership for use for public purposes, and if any of such lands are not so owned or used, then such lands shall revest in the United States.

SEC. 1006. (a) The portion described in subsection (b) of the project for navigation, Mianus River, Connecticut, authorized by the River and Harbor Act approved March 2, 1945, is not authorized after the date of the enactment of this Act.

(b) The portion referred to in subsection (a) is the portion located at the northwest corner of the project and described as follows:

Beginning at a point forming the northwesterly corner of the project and designated with the coordinate of North 14297.99; East 13035.00; thence along the following four courses and distances:

(1) South 86 degrees, 22 minutes, 56 seconds East 25.00 feet (coordinate: N14297.99 E13025.00)

(2) South 3 degrees, 37 minutes, 18 seconds West 326.25 feet (coordinates N14296.251 E13049.95)

(3) South 23 degrees, 23 minutes, 64 seconds West 73.89 feet (coordinate: N13970.8 E13029.34

(4) North 3 degrees, 37 minutes, 18 seconds East 395.78 feet (coordinate: N13903.00 E13000.00)

the point and place of beginning.

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

SEC. 1101. CONTROL OF ICE.

(a) The Secretary shall undertake a program of research for the control of ice, and to assist communities in breaking up ice, which otherwise is likely to cause or aggravate flood damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up such ice. As part of such authority, the Secretary shall acquire necessary ice-control or ice-breaking equipment, which shall be loaned to units of local government together with operating assistance, where appropriate.

(c) There is authorized to be appropriated $5,000,000 per fiscal year for each of the fiscal years 1988, 1989, 1990, 1991, and 1992 for

purposes of carrying out subsections (a) and (b) of this section, such sums to remain available until expended.

(d) To implement further the purposes of this section, the Secretary, in consultation and cooperation with local officials, is authorized and directed to undertake a demonstration program for the control of ice at Hardwick, Vermont. The work authorized by this subsection shall be designed to minimize the danger of flooding due to ice problems in the vicinity of such community. In the design, construction, and location of ice-control structures for this project, full consideration will be given to the recreational, scenic, and environmental values of the reach of river affected by the project, in order to minimize project impacts on these values. Full opportunity shall be given to interested environmental and recreational organizations to participate in such planning. There is authorized to be appropriated $900,000 for fiscal years beginning after September 30, 1986, for the purposes of carrying out this subsection, such sum to remain available until expended.

(e)(1) The Secretary is directed to complete an experimental program placing screens in the Salmon River in the vicinity of Salmon, Idaho, to trap frazil ice, and thus to eliminate flooding caused by ice dams in the river. Within one year of the enactment of this Act, the Secretary shall report to the Congress on the feasibility of such experiment, including consideration of any adverse environmental or social effects that could result from such experiment. If, in the Secretary's judgment, such experiment is not feasible or acceptable, the Secretary is authorized to consult with local public interests to develop a plan that is workable and practical, and then to submit such plan to Congress.

(2) There is authorized to be appropriated $1,000,000 for fiscal years beginning after September 30, 1986, for purposes of carrying out this subsection, such sum to remain available until expended.

(f)(1) To implement further the purposes of this section, the Secretary shall carry out a project for the control of ice on the Kankakee River in the vicinity of Wilmington, Illinois. The Secretary shall report to Congress not later than one year after the date of enactment of this Act and annually thereafter on the effectiveness of the program under this section with respect to the Kankakee River in the vicinity of Wilmington, Illinois.

(2) There is authorized to be appropriated $3,000,000 for fiscal years beginning after September 30, 1986, for purposes of carrying out this subsection, such sum to remain available until expended.

(g) Cost sharing applicable to flood control projects under section 103 shall apply to projects under this section.

(h) Not later than March 1, 1989, the Secretary shall report to the Congress on activities under this section.

SEC. 1102. GAULEY RIVER WHITEWATER RECREATION.

(a) Whitewater recreation on the Gauley River downstream of the Summersville Lake Project in West Virginia is a project purpose of that project.

(b) During the fall flood control drawdown period for the Summersville Lake Project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such

dam. Such releases shall be at levels (minimum 2,500 cubic feet per second) and at times suitable for whitewater recreation. The releases shall commence on the first weekend after Labor Day of each year. In each year there shall be releases on at least 20 days during the 6-week period beginning on Labor Day. Additional releases may be provided at other times during the fall drawdown at the discretion of the Secretary.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety. Except in cases of emergency, no suspension or modification of such releases may be made solely for reasons associated with the generation of hydroelectric power at the Summersville Dam.

(d) Nothing in subsection (b) of this section shall be construed to affect the authority of the Secretary regarding releases of water from the Summersville Dam for any project purpose (including the purpose set forth in subsection (a)) at any time other than during the period specified in subsection (b).

SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a)(1) This section may be cited as the "Upper Mississippi River Management Act of 1986".

(2) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "Master Plan" means the comprehensive master plan for the management of the Upper Mississippi River system, dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502;

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982; and

(4) the term "Upper Mississippi River Basin Association" means an association of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, formed for the purposes of cooperative effort and united assistance in the comprehensive planning for

the use, protection, growth, and development of the Upper Mississippi River System.

(c)(1) Congress hereby approves the Master Plan as a guide for future water policy on the Upper Mississippi River system. Such approval shall not constitute authorization of any recommendation contained in the Master Plan.

(2) Section 101 of Public Law 95-502 is amended by striking out the last two sentences of subsection (b), striking out subsection (i), striking out the final sentence of subsection (j), and redesignating subsection "(j)" as subsection "(i)".

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. To the extent required by Article I, section 10 of the Constitution, such agreements shall become final only after ratification by an Act of Congress.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized in subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of such programs.

(4) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such association or agency may make such comments with respect to such recommendations and offer other recommended changes to the master plan as such association or agency deems appropriate and shall transmit such comments and other recommended changes to the Secretary. The Secretary shall transmit such recommendations along with the comments and other recommended changes of such association or agency to the Congress for approval within 90 days of the receipt of such comments or recommended changes.

(e)(1) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out for ten years. Before the last day of such ten-year period, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed $13,000,000 per fiscal year for each of the succeeding eight fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed $5,080,000 per fiscal year for each of the succeeding nine fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed $1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed $875,000 per fiscal year for each of the succeeding seven fiscal years.

(6)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906 of this Act.

(B) Notwithstanding the provisions of subsection (a)(2) of this section, the cost of implementing the activities authorized by paragraphs (1)(B) and (1)(C) of this subsection shall be allocated in accordance with the provisions of section 906 of this Act, as if such activity was required to mitigate losses to fish and wildlife.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary, in consultation with any such agency, shall, at Federal expense, conduct an assessment of the economic benefits generated by recreational activities in the system. The cost of each such project

shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with title I of this Act.

(2)(A) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this section.

(B) For purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $300,000 per fiscal year for the first and second fiscal years beginning after the computerized inventory and analysis system implemented pursuant to subsection (e)(1)(C) of this section is fully functional and $150,000 for the third such fiscal year.

(g) The Secretary shall, in his budget request, identify those measures developed by the Secretary, in consultation with the Secretary of Transportation and any agency established under subsection (d)(1) of this section, to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement and protection based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j) The Secretary is authorized to provide for the engineering, design, and construction of a second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri, at at a total cost of $220,000,000, with a first Federal cost of $220,000,000. Such second lock shall be one hundred and ten feet by six hundred feet and shall be constructed at or in the vicinity of the location of the replacement lock authorized by section 102 of Public Law 95-502. Section 102 of this Act shall apply to the project authorized by this subsection.

SEC. 1104. ILLINOIS AND MISSISSIPPI CANAL.

Section 110(f) of the River and Harbor Act of 1958 (72 Stat. 303) is amended by striking out "$6,528,000" and inserting in lieu thereof "$15,000,000".

SEC. 1105. NEW YORK STATE BARGE CANAL.

(a) The Secretary is authorized to reimburse the State of New York for 50 percent of the cost of operating, maintaining, and rehabilitating the New York State Barge Canal. Control and operation of such canal shall continue to reside with the State of New York. The Federal contribution to the costs of rehabilitating the New York State Barge Canal shall be limited in any fiscal year to $5,000,000, or 50 percent of the expenditures in that fiscal year, whichever is the lesser.

(b) For the purposes of this section, the New York State Barge Canal is defined to be—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

SEC. 1106. CALIFORNIA DEBRIS COMMISSION.

(a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasona-

ble. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

SEC. 1107. RED RIVER CHLORIDE CONTROL.

(a) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966 is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000".

(b) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "ARKANSAS-RED RIVER BASIN" and inserting in lieu thereof the following: "Construction shall not be initiated on any element of such project involving the Arkansas River Basin until such element has been approved by the Secretary of the Army. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects with separate authority under section 203 of the Flood Control Act of 1966.

(c) Construction of remaining elements of the project involving the Red River Basin shall be initiated in accordance with the recommendations regarding general design memorandum numbered 25 by the director of civil works on behalf of the Chief of Engineers, dated August 8, 1977. Such construction shall commence upon transmittal of a report to the Secretary and to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives of a favorable finding of the effectiveness of the operation of area VIII, to be made by a panel consisting of representatives of the United States Geological Survey and the Texas Water Commission, a person selected by the National Academy of Sciences, and two other qualified persons to be appointed by the Secretary with the concurrence of the governors of Texas and Oklahoma. The panel shall assess the improvement in water quality downstream of area VIII to determine its consistency with the water quality assumed in the development of project benefits in the economic reanalysis of the project completed in November 1980. Such report shall be submitted to the Secretary and to such committees no later than three years after the date area VIII commences operation. Cost sharing for construction on the Red River Basin project initiated under this section shall be the same as the cost sharing for area VIII of the project.

SEC. 1108. ST. JOHN'S RIVER BASIN, MAINE.

(a) The Secretary is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England division engineer, dated May 1980, for the Saint John River Basin, Maine. The non-Federal share of the cost of such program shall be 35 percent.

(b) For the purposes of this section, there is authorized to be appropriated $1,825,000 for fiscal year 1988, $820,000 for fiscal year 1989, and $785,000 for fiscal year 1990, such sums to remain available until expended.

SEC. 1109. PROHIBITION ON GREAT LAKES DIVERSIONS.

(a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes basin and Canadian provinces;

(3) any new diversions of Great Lakes water for use outside of the Great Lakes basin will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) four of the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

(b) It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lakes States; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside the Great Lakes basin.

(c) As used in this section, the term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(d) No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lake States.

(e) No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin, unless such study or expenditure is approved by the Governor of each of the Great Lakes States. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

(f) This section shall not apply to any diversion of water from any of the Great Lakes which is authorized on the date of the enactment of this Act.

SEC. 1110. BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA.

Section 108(k) of the Water Resources Development Act of 1974 is amended by striking out "$103,522,000" and inserting in lieu thereof "$156,122,000".

SEC. 1111. DALECARLIA RESERVOIR.

(a) The Secretary, on the recommendation of the Chief of Engineers, is authorized to permit the delivery of water from the District of Columbia water system at the Dalecarlia filtration plant, or at other points on the system, to any competent State or local authority in the Washington, District of Columbia, metropolitan area in Maryland. All of the expense of installing the connection or connections and appurtenances between the water supply systems and any subsequent changes therein shall be paid by the requesting entity, which shall also pay such charges for the use of the water as the Secretary may, from time to time in advance of delivery, determine to be reasonable. Payments shall be made at such time, and pursuant to such regulations, as the Secretary prescribes. The Secretary may revoke any permit for the use of water at any time.

(b) The Secretary is authorized to purchase water from any State or local authority in Maryland or Virginia that has, at the time of purchase, completed a connection with the District of Columbia water system. The Secretary is authorized to pay such charges for the use of the water as the Secretary has agreed upon in advance of delivery.

SEC. 1112. ABIQUIU DAM.

Subject to section 903(a) of this Act, the Secretary is authorized to construct a set of emergency gates in the conduit of the Abiquiu Dam, New Mexico, to increase safety and enhance flood and sediment control, at a total cost of $2,700,000. The non-Federal share of the project shall be 25 percent of those costs of the project attributable to an increase in flood protection as a result of the installation of such gates.

SEC. 1113. ACEQUIAS IRRIGATION SYSTEM.

(a)(1) The Congress finds that the irrigation ditch systems in New Mexico, known as the Acequia systems, date from the eighteenth century, and that these early engineering works have significance in the settlement and development of the western portion of the United States.

(2) The Congress, therefore, declares that the restoration and preservation of the Acequia systems has cultural and historic values to the region.

(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake, without regard to economic analysis, such measures as are necessary to protect and restore the river diversion structures and associated canals attendant to the operations of the community ditch and Acequia systems in New Mexico that are declared to be a political subdivision of the State of New Mexico, at a total cost of $53,300,000, with an estimated first Federal cost of $40,000,000 and an estimated first non-Federal cost of $13,300,000.

The non-Federal share of any work undertaken under this section shall be 25 percent.

(c) The Secretary is further authorized and directed to consider the historic Acequia systems (community ditches) of the southwestern United States as public entities, if these systems are chartered by the respective State laws as political subdivisions of that State. This public entity status will allow the officials of these Acequia systems to enter into agreements and serve as local sponsors of water-related projects of the Secretary.

SEC. 1114. CROSS FLORIDA BARGE CANAL.

(a)(1) For the multiple purposes of preserving, enhancing, interpreting, and managing the water and related land resources of an area containing unique cultural, fish and wildlife, scenic, and recreational values and for the benefit and enjoyment of present and future generations and the development of outdoor recreation, there is hereby established the Cross Florida National Conservation Area (hereinafter in this section referred to as the "Conservation Area").

(2) The Conservation Area shall consist of all lands and interests in lands held by the Secretary for the high-level barge canal project from the Saint Johns River across the State of Florida to the Gulf of Mexico, authorized by the Act of July 23, 1942 (56 Stat. 703) (hereinafter in this section referred to as the "barge canal project"), all lands and interests in lands held by the State of Florida or the Canal Authority of such State for such project, and all lands and interests in lands held by such State or such Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(3) Within the Conservation Area there is hereby designated the Conservation Management Area which shall consist of all lands and interests in lands held by the Secretary within that portion of the barge canal project that is located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures), plus all lands and interests in lands held by the Canal Authority of the State of Florida between such structures and all lands and interests in lands held by such State or Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(b) Those portions of the barge canal project located between the Gulf of Mexico and the Inglis project structures and located between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, shall be operated and maintained by the Secretary for the purposes of navigation, recreation, and fish and wildlife enhancement and for the benefit of the economy of the region.

(c) In order to further the purposes set forth in paragraph (a)(1) of this section, that portion of the barge canal project located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures) is not authorized for the purposes described in the Act of July 23, 1942 (56 Stat. 703) after the date this subsection becomes effective.

(d) The State of Florida shall retain jurisdiction and responsibility over water resources planning, development, and control of the surface and ground waters pertaining to lands cited in subsections (b) and (c) of this section, except to the extent that any uses of such

water resources would be inconsistent with the purposes of this section.

(e)(1) Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the United States Forest Service, the United States Fish and Wildlife Service, and the State of Florida, shall develop and transmit to Congress a comprehensive management plan for lands (including water areas) located within the Conservation Management Area.

(2) Such plan shall, at a minimum, provide for—

(A) enhancement of the environment;

(B) conservation and development of natural resources;

(C) conservation and preservation of fish and wildlife;

(D) preservation of scenic and enhancing recreational values;

(E) a procedure for the prompt consideration of applications for easements across Conservation Management Area lands, when such easements are requested by local or State governmental jurisdictions or by a regulated public utility for a public purpose; and

(F) preservation and enhancement of water resources and water quality, including groundwater.

(3) Such plan shall establish, among the Secretary, the Forest Service, the Fish and Wildlife Service, and the State of Florida, the responsibilities for implementation of such plan.

(4) Until transmittal of such plan to Congress, the Secretary shall operate, maintain, and manage the lands and facilities held by the Secretary under the terms of subsection (c).

(5) Upon submission of such plan to Congress, the Secretary and other agencies, pursuant to the agreement under paragaraph (3) of this subsection, are authorized to implement such plan.

(6) The Secretary shall transmit recommendations for protecting and enhancing the values of the Conservation Area to Congress together with such plan.

(7) The Secretary shall consult and cooperate with other departments and agencies of the United States and the State of Florida in the development of measures and programs to protect and enhance water resources and water quality with the Conservation Area.

(f) The Secretary shall operate the Rodman Dam, authorized by the Act of July 23, 1942 (56 Stat. 703), in a manner which will assure the continuation of the reservoir known as Lake Ocklawaha. The Secretary shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(g)(1) As soon as possible, the Secretary shall acquire, for the sum of $32,000,000, all lands and interests in lands held on the date of the enactment of this Act by the Canal Authority of the State of Florida for the purposes of the barge canal project. In the event the sums available to the Secretary in any fiscal year are insufficient to purchase all such lands and interests, the State of Florida shall transfer to the Secretary that percentage of the total number of acres to be transferred that is proportionate to the sums received by the State compared with $32,000,000.

(2) From amounts received under paragraph (1) of this subsection, the Canal Authority shall forwith make payments to the Florida counties of Duval, Clay, Putnam, Marion, Levy, and Citrus. Such

payments shall, in the aggregate, be equal to $32,000,000. The amount of payment under this paragraph to each such county shall be determined by multiplying such aggregate amount by the amount of ad valorem taxes paid to the Cross Florida Canal Navigation District by such county and dividing such product by the amount of such taxes paid by all such counties.

(3) As soon as possible, the State of Florida shall transfer to the Secretary all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(h) Subsection (c) shall become effective—

(1) 90 days after the Governor of Florida has certified to the Secretary that the State has met the conditions set out in subsection (i) of this section, unless the Secretary determines within such period that the State has failed to comply with such conditions; or

(2) on the date of the final order in a declaratory judgment action, brought by the State of Florida in a Federal District Court within Florida, finding that the State has met the conditions.

(i) Subsection (c) shall not become effective until the State of Florida enacts a law or laws which assure that—

(1) on and after the date on which construction of the portion of the barge canal project referred to in subsection (c) is no longer authorized, all lands and interests in lands held for the project by the State of Florida or the Canal Authority of such State will continue to be held by such State or canal authority pending transfer to the Secretary, as provided in this section; and

(2) on and after such date, all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960 will continue to be held by such State or Canal Authority, pending transfer to the Secretary as provided in this section;

(3) on and after such date, the State of Florida will never transfer to any person (except the Federal Government) any lands owned by such State or the Canal Authority of such State (except existing State roads, highways, and bridges and related rights-of-way, which may be transferred to a county or other local government) and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia; and

(4) the State of Florida enacts a law which assures that, on and after such date, the interests in the lands described in paragraph (1) held by the State of Florida are sufficient to carry out the purposes of this section.

SEC. 1115. ABANDONED AND WRECKED VESSELS.

The Secretary shall—

(1) remove from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the

salinity control structure of 36th Street, any abandoned vessels and any vessels under the control of the United States by reason of their seizure or forfeiture;

(2) remove derelict vessels from the western shore of Hempstead Harbor, New York; and

(3) remove from waters off Mona Island, Puerto Rico, the abandoned vessel "A. Regina".

The Secretary shall enter into an interagency agreement to facilitate the removal of any such vessel under the control of the United States with the head of any Federal department, agency, or instrumentality which has control of such vessel. The non-Federal share of work authorized by this section shall be one-third, except that work authorized by paragraph (3) shall be at full Federal expense.

SEC. 1116. CHATFIELD LAKE.

Section 88(c) of the Water Resources Development Act of 1974 is amended by—

(1) inserting after "encroachments" the following: "(other than the Mineral Avenue/Ken Caryl Road extension and associated transmission lines)"; and

(2) inserting "significantly" after "areas which would".

SEC. 1117. W.D. MAYO LOCK AND DAM.

(a) Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma is authorized to design and construct hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River in Oklahoma, as described in the report of the Chief of Engineers dated December 23, 1981: Provided, That, the agreement described in subsection (d) of this section is executed by all parties described in subsection (b) of this section.

(b)(1) Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southwestern Power Administration, may enter into a binding agreement with the Cherokee Nation of Oklahoma under which the Cherokee Nation of Oklahoma agrees—

(A) to design and initiate construction of the generating facilities referred to in subsection (a) of this section within three years after the date of such agreement,

(B) to reimburse the Secretary for his costs in—

(i) approving such design and inspecting such construction, and

(ii) providing any assistance authorized under subsection (c)(2) of this section, and

(C) to release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design or construction.

(2) Such agreement shall also specify—

(A) the procedures and requirements for approval and acceptance of such design and construction are set forth,

(B) the rights, responsibilities, and liabilities of each party to the agreement are set forth, and

(3) the amount of the payments under subsection (f) of this section, and the procedures under which such payments are to be made, are set forth.

(c)(1) No Federal funds may be expended for the design or construction of the generating facilities referred to in subsection (a) of this section prior to the date on which such facilities are accepted by the Secretary under subsection (d) of this section.

(2) Notwithstanding any other provision of law, the Secretary is authorized to provide, on a reimbursable basis, any assistance requested by the Cherokee Nation of Oklahoma in connection with the design or construction of the generating facilities referred to in subsection (a) of this section.

(d)(1) Notwithstanding any other provision of law, upon completion of the construction of the generating facilities referred to in subsection (a) of this section, and final approval of such facilities by the Secretary—

(A) the Cherokee Nation of Oklahoma shall transfer title to such facilities to the United States, and

(B) the Secretary shall—

(i) accept the transfer of title to such generating facilities on behalf of the United States, and

(ii) operate and maintain such facilities.

(2) The Secretary is authorized to accept title to such facilities only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(e) Pursuant to any agreement under subsection (b) of this section, the Southwestern Power Administration shall market the excess power produced by the generating facilities referred to in subsection (a) of this section in accordance with section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s).

(f) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southwestern Power Administration, is authorized to pay to the Cherokee Nation of Oklahoma, in accordance with the terms of the agreement entered into under subsection (b) of this section, out of the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration—

(1) all reasonable costs incurred by the Cherokee Nation of Oklahoma in the design and construction of the generating facilities referred to in subsection (a) of this section, including the capital investment in such facilities and a reasonable rate of return on such capital investment, and

(2) for a period not to exceed fifty years, a reasonable annual royalty for the design and construction of the generating facilities referred to in subsection (a) of this section.

(g) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southwestern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the generating facilities referred to in subsection (a) of this section with funds contributed by non-Federal sources, and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by the generating facilities of the interconnect-

ed systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration.

(h) There are authorized to be appropriated to the Secretary for the fiscal year in which title to the generating facilities is transferred and accepted under subsection (d) of this section, and for each succeeding fiscal year, such sums as may be necessary to operate and maintain such facilities.

SEC. 1118. CAVEN POINT, NEW JERSEY.

That portion of the Hudson River in the New York Bay consisting of—

(1) all that piece or parcel of land, containing 120.54 acres, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area; and

(2) all that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185,

more particularly described in the Congressional Record dated March 11, 1986, pages S2446–2447, is hereby declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States, except for the purposes of the Federal Water Pollution Control Act.

SEC. 1119. SUNSET HARBOR, CALIFORNIA.

(a) The Secretary is directed to expedite completion of the feasibility study of the navigation project for Sunset Harbor, California, at a total cost of $900,000, and to submit a report to Congress on the results of such study not later than October 1, 1987.

(b) Upon execution of agreements by the State of California or local sponsors, or both, for preservation and mitigation of wetlands areas and appropriate financial participation, the Secretary is authorized to participate with appropriate non-Federal sponsors in a project to demonstrate the feasibility of non-Federal cost sharing under the provisions of section 916 of this Act. Such project shall consist of the project for navigation, flood control, and protection of the Seal Beach Naval Weapons Station at Sunset Beach Harbor, Bolsa Chica Bay, California, at a total cost of $89,600,000, with an estimated first Federal cost of $44,800,000 and an estimated first non-Federal cost of $44,800,000, including such modifications as the Secretary may determine are advisable. The Secretary shall not undertake construction without the concurrence of the Secretary of the Navy on measures to protect the Naval Weapons Station. The Secretary shall, not later than two years after the date of enactment of this Act, make a determination of financial feasibility of the project and, to the extent possible, transmit a copy of a final feasibility study and copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Agreements for local financial participation shall include the agreements set forth in section 916 so as to meet non-Federal contributions during the period of construction as required by Federal law as administered by the Sec-

retary, together with full amortization of the remaining Federal investment, including costs of project feasiblility studies.

SEC. 1120. HILLTOP AND GRAY GOOSE IRRIGATION DISTRICTS.

(a) The existing irrigation projects known as the Hilltop Irrigation District, Brule County, South Dakota, and the Gray Goose Irrigation District, Hughes County, South Dakota, are authorized as units of the Pick-Sloan Missouri Basin Program. As so authorized, the Hilltop Unit and the Gray Goose Unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented, and subject to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto).

(b) Pick-Sloan Missouri Basin Program power shall be made available as soon as practicable for the Hilltop Unit and the Gray Goose Unit on the same basis as for other units of the Pick-Sloan Missouri Basin Program. The suballocated costs of the Pick-Sloan Missouri Basin Program assigned to the Hilltop Unit and the Gray Goose Unit shall be reimbursed by the water users as determined by the Secretary of the Interior in accordance with Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto).

SEC. 1121. OGALLALA AQUIFER.

(a) The Congress finds that—

(1) the Ogallala aquifer lies beneath, and provides needed water supplies to, the 8 States of the High Plains Region: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming;

(2) the High Plains region has become an important source of agricultural commodities and livestock for domestic and international markets, providing 15 percent of the Nation's supply of wheat, corn, feed grains, sorghum, and cotton, plus 38 percent of the value of livestock raised in the United States; and

(3) annual precipitation in the High Plains region ranges from 15 to 22 inches, providing inadequate supplies of surface water and recharging of the Ogallala aquifer needed to sustain the agricultural productivity and economic vitality of the High Plains region.

(b) It is, therefore, the purpose of this section to establish a comprehensive research and development program to assist those portions of the High Plains region dependent on water from the Ogallala aquifer to—

(1) plan for the development of an adequate supply of water in the region;

(2) develop and provide information and technical assistance concerning water-conservation management practices to agricultural producers in the region;

(3) examine alternatives for the development of an adequate supply of water for the region; and

(4) develop water-conservation management practices which are efficient for agricultural producers in the region.

(c) The Water Resources Research Act (Public Law 98-242) is amended by adding at the end thereof the following new title:

"TITLE III—OGALLALA AQUIFER RESEARCH AND DEVELOPMENT

"SEC. 301. (a) There is hereby established the High Plains Study Council composed of—

"(1) the Governor of each State of the High Plains region (defined for the purposes of this title as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming and referred to hereinafter in this title as the 'High Plains region'), or a designee of the Governor;

"(2) a representative of the Department of Agriculture; and

"(3) a representative of the Secretary.

"(b) The Council established pursuant to this section shall—

"(1) review research work being performed by each State committee established under section 302 of this Act; and

"(2) coordinate such research efforts to avoid duplication of research and to assist in the development of research plans within each State of the High Plains region that will benefit the research needs of the entire region.

"SEC. 302. (a) The Secretary shall establish within each State of the High Plains region an Ogallala aquifer technical advisory committee (hereinafter in this title referred to as the 'State committee'). Each State committee shall be composed of no more than seven members, including—

"(1) a representative of the United States Department of Agriculture;

"(2) a representative of the Secretary; and

"(3) at the appointment of the Governor of the State, five representatives from agencies of that State having jurisdiction over water resources, the agricultural community, the State Water Research Institute (as designated under this Act), and others with a special interest or expertise in water resources.

"(b) The State committee established pursuant to subsection (a) of this section shall—

"(1) review existing State laws and institutions concerning water management and, where appropriate, recommend changes to improve State or local management capabilities and more efficiently use the waters of such State, if such a review is not already being undertaken by the State;

"(2) establish, in coordination with other State committees, State priorities for research and demonstration projects involving water resources; and

"(3) provide public information, education, extension, and technical assistance on the need for water conservation and information on proven and cost-effective water management.

"(c) Each State committee established pursuant to this section shall elect a chairman, and shall meet at least once every three months at the call of the chairman, unless the chairman determines, after consultation with a majority of the members of the committee, that such a meeting is not necessary to achieve the purposes of this section.

"SEC. 303. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated for this section for research in—

"(1) water-use efficiency;

"(2) cultural methods;

"(3) irrigation technologies;

"(4) water-efficient crops; and

"(5) water and soil conservation.

Funds distributed under this section shall be allocated to each State committee for use by institutions of higher education within each State. To qualify for funds under this section an institution of higher education shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

"SEC. 304. The Secretary shall annually divide funds authorized to be appropriated under this section among the States of the High Plains region for research into—

"(1) precipitation management;

"(2) weather modification;

"(3) aquifer recharge opportunities;

"(4) saline water uses;

"(5) desalinization technologies;

"(6) salt tolerant crops; and

"(7) ground water recovery.

Funds distributed under this section shall be allocated by the Secretary to the State committee for distribution to institutions of higher education within such State. To qualify for a grant under this section, an institution of higher education shall submit a research proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

"SEC. 305. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated under this section for grants to farmers for demonstration projects for—

"(1) water-efficient irrigation technologies and practices;

"(2) soil and water conservation management systems; and

"(3) the growing and marketing of more water-efficient crops.

Grants under this section shall be made by each State committee in amounts not to exceed 85 percent of the cost of each demonstration project. To qualify for a grant under this section, a farmer shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed project. Proposals shall be selected by the State committee on the basis of merit. Each State committee shall monitor each demonstration project to assure proper implementation and make the results of the project available to other State committees.

"SEC. 306. The Secretary, acting through the United States Geological Survey and in cooperation with the States of the High Plains region, is authorized and directed to monitor the levels of the Ogallala aquifer, and report annually to Congress.

"SEC. 307. The amount of any allocation of funds to a State under this title shall not exceed 75 percent of the cost of carrying out the purposes for which the grant is made.

"SEC. 308. Not later than one year after the date of enactment of this title, and at intervals of one year thereafter, the Secretary shall prepare and transmit to the Congress a report on activities undertaken under this title.

"SEC. 309. (a) For each of the fiscal years ending September 30, 1987, through September 30, 1991, the following sums are authorized to be appropriated to the Secretary to implement the following sections of this title, and such sums shall remain available until expended:

"(1) $600,000 for the purposes of section 302;

"(2) $4,300,000 for the purposes of section 303;

"(3) $2,200,000 for the purposes of section 304;

"(4) $5,300,000 for the purposes of section 305; and

"(5) $600,000 for the purposes of section 306.

"(b) Funds made available under this title for distribution to the States of the High Plains region shall be distributed equally among the States.".

SEC. 1122. PICK-SLOAN PROGRAM.

The Pick-Sloan Missouri Basin Program shall be prosecuted, as authorized and in accordance with applicable laws including the requirements for economic feasibility, to its ultimate development on an equitable basis as rapidly as may be practicable, within the limits of available funds and the cost recovery and repayment principles established by Senate Report Numbered 470 and House of Representatives Report Numbered 282, Eighty-ninth Congress, first session. Nothing in this section shall be deemed to amend or alter the cost recovery or repayment provisions for the Garrison Diversion Unit, North Dakota, as set forth in Public Law 99-294.

SEC. 1123. FEDERAL TOWNSITES.

The section entitled "Transfer of Federal Townsites" in the Supplemental Appropriation Act, 1985, title I, chapter IV (Public Law 99-88; 99 Stat. 317) is amended as follows:

(1) Subsection (a)(1) is amended by striking out "without warranty of any kind" and inserting in lieu thereof "by warranty deed, said deed to include a covenant to defend title to the property".

(2) Subsection (a)(1)(A) is amended by—

(A) inserting "(i)" after "(A)", and

(B) adding at the end the following:

"(ii) The land utilized as a sanitary landfill by Riverdale, North Dakota, consisting of approximately ninety-six acres.

"(iii) The peripheral utility improvements at Riverdale, North Dakota, developed for, or being utilized as, sewage lagoons; the sewer pipeline extending from the townsite boundary to said lagoons; any outfall facilities or control structures in conjunction therewith; the water pipeline extending from the exterior boundaries of the powerplant to the townsite; and appropriate easements of right-of-way for the access to, and operation and maintenance of said improvements.".

(3) Subsection (a)(1)(B) is amended by—

(A) inserting "(i)" after "(B)", and

(B) adding at the end the following:

"(ii) The land utilized as a sanitary landfill by Pickstown, South Dakota, consisting of approximately twenty-three acres.

"(iii) The peripheral utility improvements at Pickstown, South Dakota, developed for, or being utilized as, sewage lagoons; water treatment plant; water intake structure; the sewer pipeline extending from the townsite boundary to the sewer lagoons; any outfall facilities or control structures in conjunction therewith; the water pipeline extending from the water intake to the water treatment plant and to the townsite boundary; and appropriate easements of right-of-way for access to, and operation and maintenance of, said improvements.".

(4) Subsection (a)(1)(C) is amended by—

(A) inserting "(i)" after "(C)", and

(B) adding at the end the following:

"(ii) The peripheral utility improvements at Fort Peck, Montana, developed and being utilized as a water storage reservoir; the sewer pipeline extending from the townsite boundary to the sewer lift station; the sewer lift station; the sewer pipeline extending from the sewer lift station to the sewage lagoon; the emergency outfall line extending from the sewer lift station to the Missouri River; the water pipelines extending from the exterior boundaries of the powerplant to the townsite boundary; the water pipeline extending from the townsite boundary to the water reservoir; and appropriate easements of right-of-way to the municipal corporation for access to, and operation and maintenance of, said improvements.".

(5) Subsection (b) is amended by inserting "or surplus" after "excess" and by striking out "subsection 3(e)" and inserting in lieu thereof "section 3".

(6) Subsection (c) is amended by adding at the end thereof: "Nothing in this provision prohibits the Secretary from placing reasonable covenants in those deeds transferring improvements having significant historical, cultural, or social value in Fort Peck, Montana.".

(7) The Administrator of the Western Area Power Administration is authorized to allocate power from the Pick-Sloan Missouri Basin Program (P–SMBP) to the municipal corporations of Riverdale, North Dakota, Pickstown, South Dakota, and Fort Peck, Montana, or to such other preference entity as the Administrator may designate to provide electrical service to said municipal corporations. Such allocations shall be in the amount required to meet the annual loads established prior to the date of enactment of this Act, and under terms and conditions for marketing firm power from the P–SMBP: Except, That upon request of a municipal corporation specified in this subsection, the Secretary shall continue to operate municipal or community owned facilities for a period not to exceed three years from the date of incorporation of such municipal corporation.

SEC. 1124. SOURIS RIVER BASIN.

(a)(1) On behalf of the United States, the Secretary, in consultation with the Secretary of State, is authorized to cooperate with governments in Canada to study and to construct reservoir projects for

storage in the Souris River Basin in Canada to provide flood control benefits in the United States.

(2) The Secretary is authorized further to participate in financing the storage referred to in paragraph (1) of this subsection to a maximum contribution of $26,700,000, in the event that only one reservoir, known as the Rafferty project, is constructed in Canada, or to a maximum of $41,100,000, in the event two reservoirs, known as the Rafferty and Alameda projects, are constructed in Canada. The amount of any such contribution shall be determined by an allocation of costs, based on the proportionate use of these projects for flood control in the United States and water supply in Canada.

(b) Upon completion of the structure or structures in Canada, as agreed upon between the United States and governments in Canada, the construction of Burlington Dam, North Dakota, as authorized by Public Law 91-611, and modifications at Lake Darling, North Dakota, to raise the level of the dam structure, as authorized by section 111 of the Energy and Water Development Appropriation Act, 1982 (Public Law 97-88; 95 Stat. 1138), shall no longer be authorized. Should the Secretary determine that an agreement between the United States and governments in Canada cannot be consummated, he shall proceed with the work authorized by section 111 of such Act, including raising the dam structure and including storage capacity for flood control purposes, with such work to be considered a nonseparable element of the flood control project for Minot, North Dakota, authorized under section 201 of the Flood Control Act of 1965.

(c) The Secretary is authorized further to make such modifications as necessary to the existing Lake Darling, exclusive of the modifications authorized by section 111 of the Energy and Water Development Appropriation Act, 1982, for the purpose of effective operation of the project for flood control, with such work considered to be a nonseparable element of the flood control project for Minot, North Dakota, authorized under section 201 of the Flood Control Act of 1965, and to operate and maintain the project with such modifications in a manner compatible with the migratory waterfowl refuge purpose of the project.

(d) The non-Federal share of the cost of contributions to governments in Canada, as authorized by this section, shall be in accordance with title I of this Act for the amount over $23,600,000. The total Federal cost of work authorized by this section and by section 111 of the Energy and Water Development Appropriation Act, 1982, as modified herein, and including related dam safety measures, is $69,100,000.

SEC. 1125. GARRISON LAND TRANSFER.

(a) Except as otherwise provided in this section, all rights, title, and interests of the United States in the lands described in subsection (b), including all improvements thereon, are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation and to be part of the Fort Berthold Reservation.

(b) The lands held in trust under subsection (a) are—

(1) approximately 136.44 acres lying above elevation 1,850 feet (mean sea level) and the probable ultimate erosion line (other

than those portions which lie north of North Dakota State Highway 23) in the following sections of township 152 north, range 93 west of the Fifth Principal Meridian, McKenzie County, North Dakota:

Section 15: south half of the southwest quarter,

Section 21: northeast quarter and northwest quarter of the southeast quarter, and

Section 22: north of the half northwest quarter; and

(2) approximately 16.40 acres lying above elevation 1,850 feet (mean sea level) situated in the west half southwest quarter, section 15, township 152 north, range 93 west of the Fifth Principal Meridian, McKenzie County, North Dakota, and more particularly described as follows:

Commencing at the quarter corner common to sections 15 and 16; thence east along the quarter line a distance of 1,320.0 feet to the true point of beginning; thence north 45 degrees 0 minutes east a distance of 891.0 feet; thence south 0 degrees 3 minutes east a distance of 1,518.0 feet; thence to a point on a line which bears south 0 degrees 3 minutes east from the point of beginning; thence north 0 degrees 3 minutes west to the point of beginning.

(c) In consideration for the transfer in trust described above, the Secretary of the Interior shall transfer to the United States lands of equal value held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation which are required for the maintenance and operation of the Garrison Dam and Reservoir Project: Provided, That the Tribes shall retain the right to use such lands for grazing purposes when such lands are not subject to flooding. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands.

(d) The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the greater elevation of—

(1) 1,860 feet (mean sea level), or

(2) any alignment the Secretary determines to be necessary for such project operations.

SEC. 1126. CONTRACT SETTLEMENT.

The Secretary is authorized to pay the Federal share of the settlement amount, and any associated interest, resulting from the decision of the Engineer Board of Contract Appeals in ENC BCA Docket Numbered 4650 (June 28, 1985), notwithstanding the Federal cost limitation set out in section 84(c) of the Water Resources Development Act of 1974 (Public Law 93-251).

SEC. 1127. CAMPGROUNDS FOR SENIOR CITIZENS.

(a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1986, to carry out subsection (a) of this section.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1986, $600,000 to carry out subsection (d) of this section.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

SEC. 1128. MERAMEC RIVER, MISSOURI.

Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended by striking out "Saint Louis and Jefferson Counties, Missouri." and inserting in lieu thereof "Saint

Louis, Jefferson, and Franklin Counties (including the community of Pacific, Missouri), Missouri.".

SEC. 1129. BUFFALO HARBOR DRIFT REMOVAL.

(a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1986.".

(b) Subject to section 903(a) of this Act, the Secretary is authorized to develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline, in accordance with such report, at a total cost of $2,130,000, with an estimated first Federal cost of $1,065,000 and an estimated first non-Federal cost of $1,065,000.

SEC. 1130. NORFOLK DAM AND LAKE BRIDGE.

Section 16(b) of the Water Resources Development Act of 1974 (88 Stat. 18) is amended by striking out "$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "$2,482,000.".

SEC. 1131. DELAWARE RIVER.

With respect to the navigation project for the Delaware River, Philadelphia to the sea, the Secretary—

(1) shall conduct continuous monitoring of the materials being disposed of at the area known as the Penns Grove Disposal Area in Carneys Point, New Jersey;

(2) shall conduct continuous monitoring to ensure that there is no leakage into or contamination of any underground aquifer from such area;

(3) shall not fill such area, or allow such area to be filled, to an elevation in excess of ten feet; and

(4) shall not use, or allow to be used, for disposal of dredged material from such project any area immediately adjacent to the Penns Grove Disposal Area.

SEC. 1132. GREAT LAKES MARKETING BOARD.

(a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels, which are not being utilized, to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the non-navigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season.

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The co-chairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1989, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) The non-Federal share of the cost of carrying out this subsection shall be 25 percent. There is authorized to be appropriated such sums as may be necessary to carry out the Federal share of this subsection for fiscal years beginning after September 30, 1986, and ending before October 1, 1990.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Ad-

ministration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1988, and a final report of such review along with recommendations not later than September 30, 1990.

SEC. 1133. GREAT MIAMI RIVER BASIN.

The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151) and the first section of the Act of June 13, 1902 (32 Stat. 371) shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio Revised Code, as in effect on July 1, 1983.

SEC. 1134. CABIN SITE LEASES.

(a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees (1) to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease, and (2) to not unreasonably expand existing improvements.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and har-

bors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.

(e) In any case in which a person holds a lease of property at Clarks Hill Reservoir, Georgia, which is terminated under this section on or after December 31, 1989, the Secretary shall offer for sale to such person real property at Clarks Hill Reservoir which is owned by the United States and is not needed for the project (if there is any such property). The property offered for sale shall be approximately equal in size to the property that was subject to such lease. The Secretary shall offer any such property for sale at the fair market value of the property, as determined by the Secretary. Each offer under this subsection shall be made on or before the date on which the lease is terminated and shall be open to such person for 18 months from the time the offer is made. As a condition to a sale under this subsection, the leaseholder shall restore the property subject to the terminated lease to a condition acceptable to the Secretary.

SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest. The non-Federal share of the cost of any modifications carried out under this section shall be 25 percent.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

(e) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

SEC. 1136. WHITEWATER RIVER, CALIFORNIA.

(a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernadino and Riverside Counties, California, at a total cost of $300,000.

(b) Prior to installation, local interests shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

SEC. 1137. REND LAKE.

The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consistent with the Water Supply Act of 1958 (Public Law 85-500). The relief provided by the preceding sentence shall apply for 5 years after the date of enactment of this Act or until the storage space is used, whichever first occurs, and shall apply in such proportion as the storage is used for water supply purposes.

SEC. 1138. POE LOCK STUDY.

The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than March 31, 1987.

SEC. 1139. PORT OF BUFFALO.

The Secretary of Commerce, acting through the Economic Development Administration, shall make a grant to the Niagara Frontier Transportation Authority, Port of Buffalo, for the construction and improvement of facilities, including the construction of covered bulk storage facilities, additional paved wharf area, bulkheading up to a total length of 1,000 feet sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, and other projects consistent with implementation of the master plan for the Port of Buffalo. The non-Federal share of the cost of the project authorized by this section shall be 50 percent. There is authorized to be appropriated $3,500,000 to carry out this section.

SEC. 1140. BEAVER RIVER, PENNSYLVANIA.

The Secretary is authorized to carry out planning, engineering, and design for a project to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at a total cost of $175,000.

SEC. 1141. GROUNDWATER RECHARGE.

The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to carry out planning, engineering, and design for a project for the recharge of groundwater in the

drainage basins of the Tucson, Arizona, and Scottsdale, Arizona, metropolitan areas, at a total cost of $250,000.

SEC. 1142. MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS.

(a) Beginning October 1, 1987, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

(b) There are authorized to be appropriated $250,000 per fiscal year for each fiscal year beginning after September 30, 1986, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

SEC. 1143. BERKELEY PIER, CALIFORNIA.

The Secretary is authorized to carry out planning, engineering, and design for a project to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately 12,000 feet, at a total cost of $200,000.

SEC. 1144. CONSTRUCTION OF SEAWALL, AMERICAN SAMOA.

The Secretary is authorized to carry out planning, engineering, and design for a project to construct a seawall from the canneries in the village of Atu'u, Ma'oputasi County, to Breakers Point near the village of Tafananai, Sua County, Western Tutuila Island, American Samoa, at a total cost of $310,000.

SEC. 1145. REHABILITATION OF DOCK, AMERICAN SAMOA.

Subject to section 903(a) of this Act, the Secretary is authorized to rehabilitate the fuel dock adjacent to the Rainmaker Hotel between the villages of Utulei and Fagatogo in Ma'oputasi County, Eastern Tutuila Island, American Samoa, at a total cost of $3,000,000, with an estimated first Federal cost of $3,000,000.

SEC. 1146. ACCEPTANCE OF CERTAIN FUNDS FOR MITIGATION.

The Secretary is authorized to accept funds from any entity, public or private, in accordance with the Pacific Northwest Electric Power Planning and Conservation Act to be used to protect, mitigate, and enhance fish and wildlife in connection with projects constructed or operated by the Secretary. The Secretary may accept and use funds for such purposes without regard to any limitation established under any other provision of law or rule of law.

SEC. 1147. GREAT LAKES CONSUMPTIVE USES STUDY.

(a) STUDY OF CONSUMPTIVE USES.—In recognition of the serious impacts on the Great Lakes environment that may occur as a result of increased consumption of Great Lakes water, including loss of

wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Secretary in cooperation with the Administrator of the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the United States, and the eight Great Lakes States, is authorized to conduct a study of the effects of Great Lakes water consumption on economic growth and environmental quality in the Great Lakes region and of control measures that can be implemented to reduce the quantity of water consumed.

(b) MATTERS INCLUDED.—The study authorized by this section shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the associated environmental impacts and of the economic effects on industry and other interests in the Great Lakes region associated with individual consumptive use control strategies; and

(5) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) GREAT LAKES STATES DEFINED.—For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for fiscal years beginning after September 30, 1986, to carry out this section. Sums appropriated under this section shall remain available until expended.

SEC. 1148. PASSAIC RIVER BASIN.

Subject to section 903(a) of this Act, the Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated $50,000,000 to carry out this section. The non-Federal share of the cost of carrying out this section shall be 25 percent.

SEC. 1149. SAULT SAINTE MARIE, MICHIGAN.

Subject to section 903(b) of this Act, the Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, at a total cost of $227,428,000. The Federal and non-Federal shares of such project shall be determined in accordance with section 101, with the method of payment to be determined in accordance with the report of the Chief of Engineers.

SEC. 1150. WILLIAM G. STONE LOCK.

(a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone Lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

SEC. 1151. SATILLA RIVER BASIN, GEORGIA.

Subject to section 903(a) of this Act, the Secretary shall—

(1) undertake a demonstration project consisting of the placement of earthen plugs at Noyes and Bull Whirl Cuts on the Umbrella Creek-Dover Creek system in the Satilla River Basin in Camden County, Georgia, for the purpose of reducing shoaling; and

(2) monitor the effect of such plugs on the estuarine tidal system for a ten-year period;

at a total cost of $500,000, with an estimated first Federal cost of $500,000. The Secretary shall use the results of such monitoring to verify a hydrodynamic model which will allow the Secretary to reasonably predict the effects of cuts and closures in tidally-influenced estuarine systems.

SEC. 1152. THURMAN TO HAMBURG, IOWA.

The Secretary is authorized to study measures to prevent flooding in the Thurman to Hamburg area of the Missouri River in western Fremont County, Iowa. Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study along with recommendations for measures to prevent such flooding. Pending completion of the study the Secretary shall install pumping facilities in such area, at a total cost of $1,100,000, with an estimated first Federal cost of $825,000 and an estimated first non-Federal cost of $275,000. Cost sharing applicable to flood control projects shall apply to work authorized by the preceding sentence.

SEC. 1153. UPPER ST. JOHN'S RIVER BASIN, FLORIDA.

(a) For any survey, planning, or design of any water resources project for the Upper St. John's River Basin, Florida, the Secretary shall give equal consideration to structural, nonstructural, and primarily nonstructural alternatives including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreation, fish and wildlife, and other public purposes; relocation; reductions in water demand; water-borne traffic scheduling; and vessel modification with a view toward formulating the most economically, socially, and environmentally acceptable means of solving the water resources problem.

(b) Cost sharing applicable to nonstructural local flood protection projects shall apply to any water resources project on the Upper Saint John's River Basin, consistent with section 903(c).

SEC. 1154. GREAT LAKES MATERIAL DISPOSAL.

In planning and implementing any navigation project (including maintenance thereof) on the Great Lakes and adjacent waters, the Secretary shall consult and cooperate with concerned States in selecting disposal areas for dredged material which is suitable for beach nourishment.

SEC. 1155. LOWER MISSISSIPPI WETLANDS.

The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce and appropriate State agencies, may develop and implement projects for the creation, protection, restoration, and enhancement of wetlands in conjunction with authorized projects for navigation and flood control in the lower Mississippi Valley. There is authorized to be appropriated $2,000,000 for each of fiscal years 1987, 1988, and 1989 to carry out this section.

SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES.

The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 1157. MIAMI RIVER WATER QUALITY COMMISSION.

(a) The Secretary shall make a grant of $50,000, subject to an appropriation for that purpose, to the Governor of the State of Florida for the establishment of a Miami River Management Commission to develop a comprehensive plan for improving the water quality of the Miami River, Florida, and its tributaries and managing all activities which affect the water quality and use of such river and tributaries. The commission shall be composed of seven members appointed by the Governor. A grant may be made under this section only after the State of Florida agrees to provide an amount equal to the amount of the grant to carry out this section.

(b) There is authorized to be appropriated to carry out this section $50,000 for fiscal years beginning after September 30, 1986.

SEC. 1158. BREWERTON EXTENSION.

Any funds appropriated after the date of the enactment of this Act to complete the Brewerton Extension of the Baltimore Harbor and Channels (connecting channels to the Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1958, which are not needed to complete such project because of savings resulting

from the redesign of the project shall be available for maintenance dredging of the Inland Waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1954.

SEC. 1159. MARSH CREEK BRIDGE, SAYERS LAKE, PENNSYLVANIA.

The Secretary is authorized to construct necessary repairs on the Marsh Creek Bridge near Foster Joseph Sayers Lake, Centre County, Pennsylvania, at a total cost of $50,000, with a Federal cost of $25,000 and a non-Federal cost of $25,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 1160. MIDDLE RIVER, MARYLAND.

(a) That portion of the waterway in which is located Dark Head Creek in the community of Middle River, Baltimore County, Maryland, lying northwest of a line extending south 68 degrees 37 minutes 56 seconds west from a point (227.50 feet from the northeast corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544967.24 and east 962701.05 (latitude north 39 degrees 19 minutes 42 seconds and longitude west 76 degrees 25 minutes 29.5 seconds) and thence south 44 degrees 48 minutes 20 seconds west, 350.12 feet to a point (at the southwest corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544635.94 and east 962242.46 (latitude north 39 degrees 19 minutes 39 seconds and longitude west 76 degrees 25 minutes 35.4 seconds), is declared to be a nonnavigable water of the United States for purposes of the navigation servitude.

(b) The line described in subsection (a) shall be established as a combined pierhead and bulkhead line of Dark Head Creek.

(c) Any project heretofore authorized by any Act of Congress, insofar as such project is within the boundaries of Dark Head Creek as described in subsection (a), is not authorized after the date of enactment of this Act.

(d) The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 1161. DEVIL'S KITCHEN LAKE.

The Secretary of the Interior, acting through the Fish and Wildlife Service, is authorized and directed to sell surplus water which may be available at the Devil's Kitchen Lake project, Illinois, for municipal use to the city of Marion, Illinois, on such terms and at such rates as such Secretary determines to be reasonable based upon comparable rates in the area of southern Illinois. To implement the purpose of this section, the city of Marion is authorized to construct a catch basin or similar facility downstream of Devil's Kitchen Lake for purposes of collecting and withdrawing water. Prior to initiation of construction of any facilities adversely affecting the Crab Orchard National Wildlife Refuge, the Secretary of the Interior, in consultation with the Secretary must review and approve the plans of such work, along with the associated water withdrawal plans. The Secretaries are authorized to provide technical assistance to the city in developing acceptable plans.

SEC. 1162. MIAMI RIVER SEDIMENTS.

Subject to section 903(a) of this Act, the Secretary is authorized and directed to remove polluted bottom sediments from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the salinity control structure at 36th Street. Local interests shall furnish all lands (including dredge disposal areas), easements, rights-of-way, relocations, and alterations necessary for initial dredging and subsequent maintenance before the Secretary removes any such sediments. The non-Federal share of the cost of carrying out this section (including the contribution under the preceding sentence) shall be 25 percent.

SEC. 1163. EISENHOWER AND SNELL LOCKS.

Subject to section 903(b) of this Act, the Secretary is authorized to rehabilitate the Eisenhower and Snell Locks, Saint Lawrence River, Massena, New York, in accordance with the report of the District Engineer, dated November 1984, at a total cost of $39,200,000. The Federal share of such project shall be 100 percent, from the general fund of the Treasury, except that up to 25 percent of the cost of such project may be paid from tolls collected on the Saint Lawrence Seaway to the extent that the rehabilitation is not attributable to decisions and recommendations of the Corps of Engineers.

SEC. 1164. WATER SUPPLY FOR THE TERRITORIES.

Section 401(d) of the Act entitled "An Act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes" (98 Stat. 1735), is amended by striking "in fiscal" and inserting in lieu thereof "effective fiscal".

SEC. 1165. SAN LUIS REY RIVER, CALIFORNIA.

The interest rate used for purposes of analyzing the costs and benefits of the San Luis Rey River flood control program in San Diego County, California, shall be the applicable interest rate at the time an agreement under section 215 of the Flood Control Act of 1968 was entered into.

SEC. 1166. BRIDGES OVER NAVIGABLE WATERS.

(a)(1) The Secretary shall reimburse, from sums appropriated under this section—

(A) the owner of the Port of Houston Authority bridge over Greens Bayou, Texas, appropriately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

(B) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou,

for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purposes of navigation.

(2) There is authorized to be appropriated not to exceed $450,000 to carry out subparagraph (A) of paragraph (1) and not to exceed $250,000 to carry out subparagraph (B) of paragraph (1).

(b) The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have

Federal permits and which were constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1985.

(c) In order to alleviate a navigational hazard in the Seekonk River in Providence, Rhode Island, the Secretary is authorized to demolish and remove the center span of the India Point Railroad Bridge, at a total cost of $500,000, with an estimated first Federal cost of $250,000 and an estimated first non-Federal cost of $250,000. The non-Federal share of the cost of the project authorized by this subsection shall be 50 percent. The Secretary shall not demolish such span until title to such bridge has been transferred to the United States. Revenue derived from the sale of scrap from this structure shall be credited toward the non-Federal share of the project.

SEC. 1167. PEARSON-SKUBITZ BIG HILL LAKE.

Subject to section 903(a) of the Act, the Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard, at Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible acquiring additional rights-of-way, and constructing new roads as required, at a cost of $4,000,000, with an estimated first Federal cost of $2,000,000 and an estimated first non-Federal cost of $2,000,000. The non-Federal share of the cost of the project authorized by this section shall be 50 percent.

SEC. 1168. NORTON BASIN AND JAMAICA BAY, NEW YORK.

The two portions of Norton Basin and Jamaica Bay, New York, that are particularly described in Committee Print 99-58 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States for purposes of the navigation servitude.

SEC. 1169. AVALON BAY, CALIFORNIA.

Subject to section 903(a) of this Act, and following completion of all necessary environmental documents, the Secretary is authorized to perform dredging in Avalon Bay, Santa Catalina Island, California, to a depth of 10 feet mean lower low water, and remove approximately 12,800 cubic yards of material, at a total cost of $300,000, with an estimated first Federal cost of $150,000 and an estimated first non-Federal cost of $150,000. The non-Federal share of the cost of the project authorized by this section shall be 50 percent.

SEC. 1170. ELLICOTT CREEK, NEW YORK.

Notwithstanding section 103 of this Act, cost sharing for the project for flood protection and other purposes, Ellicott Creek, New York, authorized by section 201 of the Flood Control Act of 1970, shall be in accordance with the agreement entered into with respect to such project under section 221 of the Flood Control Act of 1970, dated January 20, 1984.

SEC. 1171. TOUTLE AND GREEN RIVERS, WASHINGTON.

For purposes of section 103 of this Act, physical construction shall be deemed to have been initiated before April 30, 1986, on the project for construction, operation, and maintenance of a sediment retention structure near the confluence of the Toutle and Green Rivers, Washington, authorized by Public Law 99-88.

SEC. 1172. SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES.

(a) The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge.

(b) Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104 the following new section:

"SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES

"SEC. 104A. (a) NEW YORK BIGHT APEX.—(1) For purposes of this subsection—

"(A) The term 'Apex' means the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.

"(B) The term 'Apex site' means that site within the Apex at which the dumping of municipal sludge occurred before October 1, 1983.

"(C) The term 'eligible authority' means any sewerage authority or other unit of State or local government that on November 2, 1983, was authorized under court order to dump municipal sludge at the Apex site.

"(2) No person may apply for a permit under this title in relation to the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex unless that person is an eligible authority.

"(3) The Administrator may not issue, or renew, any permit under this title that authorizes the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex after the earlier of—

"(A) December 15, 1987; or

"(B) the day determined by the Administrator to be the first day on which municipal sludge generated by eligible authorities can reasonably be dumped at a site designated under section 102 other than a site within the Apex.

"(b) RESTRICTION ON USE OF THE 106-MILE SITE.—The Administrator may not issue or renew any permit under this title which authorizes any person, other than a person that is an eligible authority within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge within the site designated under section 102(c) by the Administrator and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 19005).".

SEC. 1173. CHICAGO TUNNEL AND RESERVOIR PROJECT.

Notwithstanding any other provision of law (including section 202 of the Federal Water Pollution Control Act), the Federal share of the cost of construction of the Chicago Tunnel and Reservoir Project, Illinois, shall be 75 percent.

TITLE XII—DAM SAFETY

SEC. 1201. (a) Section 1 of Public Law 92-367 (33 U.S.C. 467; 86 Stat. 506) is amended by striking out the final period and inserting in lieu thereof the following: ", unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure.".

(b) Public Law 92-367 is further amended by inserting after section 6 the following sections:

"SEC. 7. (a) There is authorized to be appropriated to the Secretary of the Army (hereafter in this Act referred to as the 'Secretary'), $13,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992. Sums appropriated under this section shall be distributed annually among States on the following basis: One-third equally among those States that have established dam safety programs approved under the terms of section 8 of this Act, and two-thirds in proportion to the number of dams located in each State that has an established dam safety program under the terms of section 8 of this Act to the number of dams in all States with such approved programs. In no event shall funds distributed to any State under this section exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

"SEC. 8. (a) In order to encourage the establishment and maintenance of effective programs intended to assure dam safety to protect human life and property and to improve such existing programs, the Secretary shall provide assistance under the terms of section 7 of this Act to any State that establishes and maintains a dam safety program which is approved under this section. In evaluating a State's dam safety program, under the terms of subsections (b) and (c) of this section, the Secretary shall determine that such program includes the following:

"(1) a procedure, whereby, prior to any construction the plans for any dam will be reviewed to provide reasonable assurance of the safety and integrity of such dam over its intended life;

"(2) a procedure to determine, during and following construction and prior to operation of each dam built in the State, that such dam has been constructed and will be operated in a safe and reasonable manner;

"(3) a procedure to inspect every dam within such State at least once every five years, except that such inspections shall be required at least every three years for any dam the failure of which is likely to result in the loss of human life;

"(4) a procedure for more detailed and frequent safety inspections, when warranted;

"(5) the State has or can be expected to have authority to require those changes or modifications in a dam, or its operation, necessary to assure the dam's safety;

"(6) the State has or can be expected to develop a system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent together with an identification of those dams where failure could be reasonably expected to endanger human life, and of the maximum area that could be inundated in the event of the failure of such

dam, as well as identification of those necessary public facilities that would be affected by such inundation;

"(7) the State has or can be expected to have the authority to assure that any repairs or other changes needed to maintain the integrity of any dam will be undertaken by the dam's owner, or other responsible party; and

"(8) the State has or can be expected to have authority and necessary emergency funds to assure immediate repairs or other changes to, or removal of, a dam in order to protect human life and property, and if the owner does not take action, to take appropriate action as expeditiously as possible.

"(b) Any program which is submitted to the Secretary under the authority of this section shall be deemed approved 120 days following its receipt by the Secretary unless the Secretary determines within such 120-day period that such program fails to reasonably meet the requirements of subsection (a) of this section. If the Secretary determines such a program cannot be approved, he shall immediately notify such State in writing, together with his reasons and those changes needed to enable such plan to be approved.

"(c) Utilizing the expertise of the Board established under section 9 of this Act, the Secretary shall review periodically the implementation and effectiveness of approved State dam safety programs. In the event the Board finds that a State program under this Act has proven inadequate to reasonably protect human life and property, and the Secretary agrees, the Secretary shall revoke approval of such State program and withhold assistance under the terms of section 7 of this Act until such State program has been reapproved.

"SEC. 9. (a) There is authorized to be established a National Dam Safety Review Board (hereinafter in this Act referred to as the 'Board'), which shall be responsible for reviewing and monitoring State implementation of this Act. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section.

"(b) The Board shall consist of seven members selected for their expertise in dam safety, to represent the Department of the Army, the Department of the Interior, the Tennessee Valley Authority, the Federal Emergency Management Agency, and the Department of Agriculture, plus two members, selected by the President, from employees or officials of States having an approved program under section 8 of this Act.

"SEC. 10. The head of any agency of the United States that owns or operates a dam, or proposes to construct a dam in any State, shall, when requested by such State, consult fully with such State on the design and safety of such dam and allow officials of such State to participate with officials of such agency in all safety inspections of such dam.

"SEC. 11. The Secretary shall, at the request of any State that has or intends to develop a dam safety program under section 8 of this Act, provide training for State dam safety inspectors. There is authorized to be appropriated to carry out this section $500,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992.

"SEC. 12. The Secretary, in cooperation with the National Bureau of Standards, shall undertake a program of research in order to develop improved techniques and equipment for rapid and effective dam inspection, together with devices for the continued monitoring of dams for safety purposes. The Secretary shall provide for State participation in such research and periodically advise all States and the Congress of the results of such research. There is authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992.

"SEC. 13. The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams authorized in section 5 of this Act. For the purpose of carrying out this section, there is authorized to be appropriated to the Secretary $500,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992.

"SEC. 14. No funds authorized in this Act shall be used to construct or repair any Federal or non-Federal dam.".

SEC. 1202. Any report that is submitted to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary, or the Secretary of Agriculture acting under Public Law 83-566, as amended, which proposes construction of a water impoundment facility, shall include information on the consequences of failure and geologic or design factors which could contribute to the possible failure of such facility.

SEC. 1203. (a) After the date of enactment of this Act, costs incurred in the modification by the Secretary of dams and related facilities constructed or operated by the Secretary, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes, shall be recovered in accordance with the provisions in this subsection:

(1) Fifteen percent of the modification costs shall be assigned to project purposes in accordance with the cost allocation in effect for the project at the time the work is initiated. Non-Federal interests shall share the costs assigned to each purpose in accord with the cost sharing in effect at the time of initial project construction: Provided, That the Secretary of the Interior shall recover costs assigned to irrigation in accordance with repayment provisions of Public Law 98-404.

(2) Repayment under this subsection, with the exception of costs assigned to irrigation, may be made, with interest, over a period of not more than thirty years from the date of completion of the work. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursable period during the month preceding the fiscal year in which the costs are incurred, plus a premium of one-eighth of one percentage point for transaction costs. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(b) Nothing in this section affects the authority of the Secretary to perform work pursuant to Public Law 84-99, as amended (33 U.S.C. 701n) or cost sharing for such work.

SEC. 1204. Section 3 of Public Law 92-367 (33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense by the owner of such dam.".

SEC. 1205. (a) The Secretary is authorized to provide technical assistance related to the repair of the spillway and technical assistance related to other measures to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri. Such technical assistance may be provided on a nonreimbursable basis at a cost not exceeding $50,000, and may be provided as needed in additional amounts on a fully reimbursable basis.

(b) The Secretary is authorized to provide technical assistance for necessary repairs to the Milton Dam in Mahoning County, Ohio, in accordance with the remedial measures described in the report of the District Engineer, Pittsburgh District, entitled "Milton Dam, Mahoning County, Ohio, Investigation to Determine the Adequacy of Structural and Hydraulic Components", dated February 1980. Such technical assistance may be provided on a nonreimbursable basis at a cost not exceeding $50,000, and may be provided as needed in additional amounts on a fully reimbursable basis.

SEC. 1206. This title may be cited as the "Dam Safety Act of 1986".

TITLE XIII—NAMINGS

SEC. 1301. JENNINGS RANDOLPH LAKE.

Bloomington Lake located on the North Branch of the Potomac River near Bloomington, Maryland, and Keyser, West Virginia, is named and designated as the "Jennings Randolph Lake". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lake shall be held to be a reference to the "Jennings Randolph Lake".

SEC. 1302. JAMES W. TRIMBLE LOCK AND DAM.

Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

SEC. 1303. ARTHUR V. ORMOND LOCK AND DAM.

Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur V. Ormond Lock and Dam". Any law, regulation, docu-

ment, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur V. Ormond Lock and Dam".

SEC. 1304. GREILICKVILLE HARBOR.

The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

SEC. 1305. WILBUR D. MILLS DAM.

Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

SEC. 1306. S. W. TAYLOR MEMORIAL PARK.

The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

SEC. 1307. H. K. THATCHER LOCK AND DAM.

Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, shall hereafter be known and designated as the "H. K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".

SEC. 1308. DEWAYNE HAYES RECREATION AREA.

The Stinson Creek Recreation Area which is to be constructed by the Army Corps of Engineers as part of the Columbus Lake portion of the Tennessee-Tombigbee Waterway project and which is located in Lowndes County, Mississippi, shall hereafter be known and designated as the "DeWayne Hayes Recreation Area". Any law, regulation, document, or record of the United States in which such recreation area is referred to shall be held to refer to such recreation area as the "DeWayne Hayes Recreation Area".

SEC. 1309. WINTHROP ROCKEFELLER LAKE.

The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Lake". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Lake".

SEC. 1310. WEHRSPANN LAKE.

Papillion Creek and Tributaries Lakes, Nebraska, site 20 on the West Papillion Creek shall hereafter be known and designated as the "Wehrspann Lake". Any reference in a law, map, regulation, document, record, or other paper of the United States to such site shall be held to be a reference to the "Wehrspann Lake".

SEC. 1311. JACK D. MALTESTER CHANNEL.

The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall be known and designated as the "Jack D. Maltester Channel". Each reference to such channel in a law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the "Jack D. Maltester Channel".

TITLE XIV—REVENUE PROVISIONS

SEC. 1401. SHORT TITLE.

This title may be cited as the "Harbor Maintenance Revenue Act of 1986".

SEC. 1402. IMPOSITION OF HARBOR MAINTENANCE TAX.

(a) GENERAL RULE.—Chapter 36 of the Internal Revenue Code of 1954 (relating to certain other excise taxes) is amended by inserting after the chapter heading the following new subchapter:

"Subchapter A—Harbor Maintenance Tax

"Sec. 4461. Imposition of tax.
"Sec. 4462. Definitions and special rules.

"SEC. 4461. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on any port use.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) on any port use shall be an amount equal to 0.04 percent of the value of the commercial cargo involved.

"(c) LIABILITY AND TIME OF IMPOSITION OF TAX.—

"(1) LIABILITY.—The tax imposed by subsection (a) shall be paid by—

"(A) in the case of cargo entering the United States, the importer,

"(B) in the case of cargo to be exported from the United States, the exporter, or

"(C) in any other case, the shipper.

"(2) TIME OF IMPOSITION.—Except as provided by regulations, the tax imposed by subsection (a) shall be imposed—

"(A) in the case of cargo to be exported from the United States, at the time of loading, and

"(B) in any other case, at the time of unloading.

"SEC. 4462. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) PORT USE.—The term 'port use' means—

"(A) the loading of commercial cargo on, or

"(B) the unloading of commercial cargo from,

a commercial vessel at a port.

"(2) PORT.—

"(A) IN GENERAL.—The term 'port' means any channel or harbor (or component thereof) in the United States, which—

"(i) is not an inland waterway, and

"(ii) is open to public navigation.

"(B) EXCEPTION FOR CERTAIN FACILITIES.—The term 'port' does not include any channel or harbor with respect to which no Federal funds have been used since 1977 for construction, maintenance, or operation, or which was deauthorized by Federal law before 1985.

"(C) SPECIAL RULE FOR COLUMBIA RIVER.—The term 'port' shall include the channels of the Columbia River in the States of Oregon and Washington only up to the downstream side of Bonneville lock and dam.

"(3) COMMERCIAL CARGO.—

"(A) IN GENERAL.—The term 'commercial cargo' means any cargo transported on a commercial vessel, including passengers transported for compensation or hire.

"(B) CERTAIN ITEMS NOT INCLUDED.—The term 'commercial cargo' does not include—

"(i) bunker fuel, ship's stores, sea stores, or the legitimate equipment necessary to the operation of a vessel, or

"(ii) fish or other aquatic animal life caught and not previously landed on shore.

"(4) COMMERCIAL VESSEL.—

"(A) IN GENERAL.—The term 'commercial vessel' means any vessel used—

"(i) in transporting cargo by water for compensation or hire, or

"(ii) in transporting cargo by water in the business of the owner, lessee, or operator of the vessel.

"(B) EXCLUSION OF FERRIES.—

"(i) IN GENERAL.—The term 'commercial vessel' does not include any ferry engaged primarily in the ferrying of passengers (including their vehicles) between points within the United States, or between the United States and contiguous countries.

"(ii) FERRY.—The term 'ferry' means any vessel which arrives in the United States on a regular schedule during its operating season at intervals of at least once each business day.

"(5) VALUE.—

"(A) IN GENERAL.—The term 'value' means, except as provided in regulations, the value of any commercial cargo as determined by standard commercial documentation.

"(B) TRANSPORTATION OF PASSENGERS.—In the case of the transportation of passengers for hire, the term 'value' means the actual charge paid for such service or the pre-

vailing charge for comparable service if no actual charge is paid.

"(b) SPECIAL RULE FOR ALASKA, HAWAII, AND POSSESSIONS.—

"(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

"(A) cargo loaded on a vessel in a port in the United States mainland for transportation to Alaska, Hawaii, or any possession of the United States for ultimate use or consumption in Alaska, Hawaii, or any possession of the United States,

"(B) cargo loaded on a vessel in Alaska, Hawaii, or any possession of the United States for transportation to the United States mainland for ultimate use or consumption in the United States mainland,

"(C) the unloading of cargo described in subparagraph (A) or (B) in Alaska, Hawaii, or any possession of the United States, or in the United States mainland, respectively, or

"(D) cargo loaded on a vessel in Alaska, Hawaii, or a possession of the United States and unloaded in the State or possession in which loaded.

"(2) CARGO DOES NOT INCLUDE CRUDE OIL WITH RESPECT TO ALASKA.—For purposes of this subsection, the term 'cargo' does not include crude oil with respect to Alaska.

"(3) UNITED STATES MAINLAND.—For purposes of this subsection, the term 'United States mainland' means the continental United States (not including Alaska).

"(c) COORDINATION OF TAX WHERE TRANSPORTATION SUBJECT TO TAX IMPOSED BY SECTION 4042.—No tax shall be imposed under this subchapter with respect to the loading or unloading of any cargo on or from a vessel if any fuel of such vessel has been (or will be) subject to the tax imposed by section 4042 (relating to tax on fuel used in commercial transportation on inland waterways).

"(d) NONAPPLICABILITY OF TAX TO CERTAIN CARGO.—

"(1) IN GENERAL.—Subject to paragraph (2), the tax imposed by section 4461(a) shall not apply to bonded commercial cargo entering the United States for transportation and direct exportation to a foreign country.

"(2) IMPOSITION OF CHARGES.—Paragraph (1) shall not apply to any cargo exported to Canada or Mexico—

"(A) during the period—

"(i) after the date on which the Secretary determines that the Government of Canada or Mexico (as the case may be) has imposed a substantially equivalent tax, fee, or charge on commercial vessels or commercial cargo utilizing ports of such country, and

"(ii) subject to subparagraph (B), before the date on which the Secretary determines that such tax, fee, charge has been discontinued by such country, and

"(B) with respect to a particular United States port (or to any transaction or class of transactions at any such port) to the extent that the study made pursuant to section 1407(a) of the Water Resources Development Act of 1986 (or a

review thereof pursuant to section 1407(b) of such Act) finds that—

"(i) the imposition of the tax imposed by this subchapter at such port (or to any transaction or class of transactions at such port) is not likely to divert a significant amount of cargo from such port to a port in a country contiguous to the United States, or that any such diversion is not likely to result in significant economic loss to such port, or

"(ii) the nonapplicability of such tax at such port (or to any transaction or class of transactions at such port) is likely to result in significant economic loss to any other United States port.

"(e) EXEMPTION FOR UNITED STATES.—No tax shall be imposed under this subchapter on the United States or any agency or instrumentality thereof.

"(f) EXTENSION OF PROVISIONS OF LAW APPLICABLE TO CUSTOMS DUTY.—

"(1) IN GENERAL.—Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations shall apply in respect of the tax imposed by this subchapter (and in respect of persons liable therefor) as if such tax were a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the value of the cargo.

"(2) JURISDICTION OF COURTS AND AGENCIES.—For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, the tax imposed by this subchapter shall be treated as if such tax were a customs duty.

"(3) ADMINISTRATIVE PROVISIONS APPLICABLE TO TAX LAW NOT TO APPLY.—The tax imposed by this subchapter shall not be treated as a tax for purposes of subtitle F or any other provision of law relating to the administration and enforcement of internal revenue taxes.

"(g) SPECIAL RULES.—Except as provided by regulations—

"(1) TAX IMPOSED ONLY ONCE.—Only 1 tax shall be imposed under section 4461(a) with respect to the loading on and unloading from, or the unloading from and the loading on, the same vessel of the same cargo.

"(2) EXCEPTION FOR INTRAPORT MOVEMENTS.—Under regulations, no tax shall be imposed under section 4461(a) on the mere movement of cargo within a port.

"(h) REGULATIONS.—The Secretary may prescribe such additional regulations as may be necessary to carry out the purposes of this subchapter including, but not limited to, regulations—

"(1) providing for the manner and method of payment and collection of the tax imposed by this subchapter,

"(2) providing for the posting of bonds to secure payment of such tax,

"(3) exempting any transaction or class of transactions from such tax where the collection of such tax is not administratively practical, and

"(4) providing for the remittance or mitigation of penalties and the settlement or compromise of claims."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1954 is amended by inserting the following before the item relating to subchapter D:

"SUBCHAPTER A. Harbor maintenance tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1987.

SEC. 1403. CREATION OF HARBOR MAINTENANCE TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding after section 9504 the following new section:

"SEC. 9505. HARBOR MAINTENANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Harbor Maintenance Trust Fund', consisting of such amounts as may be—

"(1) appropriated to the Harbor Maintenance Trust Fund as provided in this section,

"(2) transferred to the Harbor Maintenance Trust Fund by the Saint Lawrence Seaway Development Corporation pursuant to section 13(a) of the Act of May 13, 1954, or

"(3) credited to the Harbor Maintenance Trust Fund as provided in section 9602(b).

"(b) TRANSFER TO HARBOR MAINTENANCE TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Harbor Maintenance Trust Fund amounts equivalent to the taxes received in the Treasury under section 4461 (relating to harbor maintenance tax).

"(c) EXPENDITURES FROM HARBOR MAINTENANCE TRUST FUND.—Amounts in the Harbor Maintenance Trust Fund shall be available, as provided by appropriation Acts, for making expenditures—

"(1) to carry out section 210(a) of the Water Resources Development Act of 1986 (as in effect on the date of enactment of this section),

"(2) for payments of rebates of tolls or charges pursuant to section 13(b) of the Act of May 13, 1954 (as in effect on April 1, 1987), and

"(3) for the payment of all expenses of administration incurred—

"(A) by the Department of the Treasury in administering subchapter A of chapter 36 (relating to harbor maintenance tax), but not in excess of $5,000,000 for any fiscal year, and

"(B) for periods during which no fee applies under paragraph (9) or (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985."

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury (from the fees collected under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985) such sums as may be necessary to pay all expenses of administration incurred by such Department in administering subchapter A of chap-

ter 36 of the Internal Revenue Code of 1954 for periods to which such fees apply.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1954 is amended by adding after the item relating to section 9504 the following new item:

"Sec. 9505. Harbor Maintenance Trust Fund."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1987.

SEC. 1404. INLAND WATERWAYS TAX.

(a) IN GENERAL.—Subsection (b) of section 4042 of the Internal Revenue Code of 1954 (relating to tax on fuel used in commercial transportation on inland waterways) is amended to read as follows:

"(b) AMOUNT OF TAX.—The tax imposed by subsection (a) shall be determined from the following table:

If the use occurs:	*The tax per gallon is:*
Before 1990	*10 cents*
During 1990	*11 cents*
During 1991	*13 cents*
During 1992	*15 cents*
During 1993	*17 cents*
During 1994	*19 cents*
After 1994	*20 cents."*

(b) FUEL USE ON TENNESSEE-TOMBIGBEE WATERWAY SUBJECT TO INLAND WATERWAY TAX.—Section 206 of the Inland Waterways Revenue Act of 1978 is amended by adding at the end thereof the following:

"(27) Tennessee-Tombigbee Waterway: From its confluence with the Tennessee River to the Warrior River at Demopolis, Alabama."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 1405. INLAND WATERWAYS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding after section 9505 the following new section:

"SEC. 9506. INLAND WATERWAYS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Inland Waterways Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Inland Waterways Trust Fund amounts equivalent to the taxes received in the Treasury under section 4042 (relating to tax on fuel used in commercial transportation on inland waterways).

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the Inland Waterways Trust Fund shall be available, as provided by appropriation Acts, for making construction and rehabilitation expenditures for navigation on the

inland and coastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978, as in effect on the date of the enactment of this section.

"(2) EXCEPTION FOR CERTAIN PROJECTS.—Not more than 1/2 of the cost of any construction to which section 102(a) of the Water Resources Development Act of 1986 applies (as in effect on the date of the enactment of this section) may be paid from the Inland Waterways Trust Fund."

(b) CONFORMING AMENDMENTS.—Sections 203 and 204 of the Inland Waterways Revenue Act of 1978 (relating to Inland Waterways Trust Fund) are hereby repealed.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 9506. Inland Waterways Trust Fund."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1987.

(2) INLAND WATERWAYS TRUST FUND TREATED AS CONTINUATION OF OLD TRUST FUND.—The Inland Waterways Trust Fund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Inland Waterways Trust Fund established by section 203 of the Inland Waterways Revenue Act of 1978. Any reference in any law to the Inland Waterways Trust Fund established by such section 203 shall be deemed to include (wherever appropriate) a reference to the Inland Waterways Trust Fund established by this section.

SEC. 805. SAINT LAWRENCE SEAWAY EXPENDITURES AND REBATES OF TOLLS.

(a) IN GENERAL.—The Act of May 13, 1954 is amended—

(1) by striking out "and" at the end of paragraph (11) of section 4(a),

(2) by striking out the period at the end of paragraph (12) of section 4(a) and inserting in lieu thereof "; and",

(3) by adding at the end of section 4(a) the following new paragraph:

"(13) shall accept such amounts as may be transferred to the Corporation under section 9505(c)(1) of the Internal Revenue Code of 1954, except that such amounts shall be available only for the purpose of operating and maintaining those works which the Corporation is obligated to operate and maintain under subsection (a) of section 3 of this Act.", and

(4) by adding at the end thereof the following new section:

"REBATE OF CHARGES OR TOLLS

"SEC. 13. (a) The Corporation shall transfer to the Harbor Maintenance Trust Fund, at such times and under such terms and conditions as the Secretary of the Treasury may prescribe, all revenues derived from the collection of charges or tolls established under section 12 of this Act.

"(b)(1) The Corporation shall certify to the Secretary of the Treasury, in such form and at such times as the Secretary of the Treasury shall prescribe—

"(A) the identity of any person who pays a charge or toll to the Corporation pursuant to section 12 of this Act with respect to a commercial vessel (as defined in section 4462(a)(4) of the Internal Revenue Code of 1954),

"(B) the amount of the toll or charge paid by such person with respect to such vessel.

"(2) Within 30 days of the receipt of a certification described in paragraph (1), the Secretary of the Treasury shall rebate, out of the Harbor Maintenance Trust Fund, to the person described in paragraph (1) the amount of the charge or toll paid pursuant to section 12 of this Act."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1987.

SEC. 1406. REPORT ON REDUCTION OR ELIMINATION OF TOLLS ON THE GREAT LAKES AND THE SAINT LAWRENCE SEAWAY.

Not later than 2 years after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Transportation, shall initiate discussions with the Government of Canada with the objective of reducing or eliminating all tolls on the international Great Lakes and the Saint Lawrence Seaway, and the Secretary of Transportation shall report to the Congress on the progress of such discussions and on the economic effects upon waterborne commerce in the United States of any proposed reduction or elimination in tolls.

SEC. 1407. STUDY OF CARGO DIVERSION.

(a) INITIAL STUDY.—The Secretary of the Treasury, in consultation with United States ports, the Secretary of the Army, the Secretary of Transportation, the United States Trade Representative and other appropriate Federal agencies, shall conduct a study to determine the impact of the port use tax imposed under section 4461(a) of the Internal Revenue Code of 1954 on potential diversions of cargo from particular United States ports to any port in a country contiguous to the United States. The report of the study shall be submitted to the Ways and Means Committee of the House of Representatives and the Committee on Finance of the United States Senate not later than 1 year from the date of the enactment of this Act.

(b) REVIEW.—The Secretary of the Treasury may, at any time, review and revise the findings of the study conducted pursuant to subsection (a) with respect to any United States port (or to any transaction or class of transactions at such port).

(c) IMPLEMENTATION OF FINDINGS.—For purposes of section 4462(d)(2)(B) of the Internal Revenue Code of 1954, the findings of the study or review conducted pursuant to subsections (a) and (b) of this section shall be effective 60 days after notification to the ports concerned.

And the Senate agree to the same.

From the Committee on Public Works and Transportation, for consideration of the House bill (except Title XV), and the Senate amendment (except Title VIII):

JAMES J. HOWARD,
GLENN M. ANDERSON,
ROBERT A. ROE,
JOHN B. BREAUX,
NORMAN Y. MINETA,
JAMES L. OBERSTAR,
GENE SNYDER,
JOHN PAUL HAMMERSCHMIDT,

From the Committee on Public Works and Transportation, for consideration of the House bill (except Title XV), and the Senate amendment (except Title VIII):

ARLAN STANGELAND,
BILL CLINGER,

For consideration of sections 510, 605(b), 752, 1110(b), 1159, and 1185 of the House bill, and modifications committed to conference:

HENRY J. NOWAK,

For consideration of the paragraph entitled "Island Creek Basin, West Virginia" of section 301(a), and sections 302 and 813(21) of the House bill, and section 701(a)(1) and (b) of the Senate amendment:

NICK RAHALL,

For consideration of the paragraph entitled "Crown Bay Channel—St. Thomas Harbor, Virgin Islands" of section 102 and section 813(4) of the House bill and section 609(29) of the Senate amendment:

RON DE LUGO,

For consideration of section 536 of the House bill, and modifications committed to conference:

DOUGLAS BOSCO,

For consideration of the paragraph entitled "Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia" and "Winfield Locks and Dam, Kanawha River, West Virginia" of section 201(a), the paragraph entitled "Cabin Creek, West Virginia" of section 501(a), and sections 507, 538, and 1120 of the House bill, and sections 317, 502(2), and 703(g) of the Senate amendment:

BOB WISE,

For the consideration of section 1199E of the House bill and section 333 of the Senate amendment:

E. CLAY SHAW, Jr.,

For consideration of the paragraph entitled "Santa Ana River Mainstem, California" of section 301(a) of the House bill, and section 703(a)(10) of the Senate amendment:

RON PACKARD,

From the Committee on Interior and Insular Affairs, for consideration of the paragraph entitled "Saipan Harbor, Commonwealth of the Northern Mariana Islands" of section 102, sections 814, 1102(c), 1121, 1199B, 1199G and Title

XII of the House bill, and sections 219, 223(c), 238, 308, 314, 338, 339, 340, 348, 358, 504, 701(a)(2), and 703(b)(7) of the Senate amendment:

MO. UDALL,
GEORGE MILLER,
RON DE LUGO,
DON YOUNG,
DICK CHENEY,

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 109, 110, 112, 113, 115, 116, 605, 1114, 1121, 1122, 1186, 1199E, 1199P, and Titles XIII and XIV of the House bill, and sections 209, 221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(e)(2) and 704 of the Senate amendment:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
BARBARA A. MIKULSKI,
MIKE LOWRY,
BILL HUGHES,
NORMAN F. LENT,

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 109, 110, 112, 113, 115, 116, 605, 1114, 1121, 1122, 1186, 1199E, 1199P, and Titles XIII and XIV of the House bill, and sections 209, 221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(e)(2) and 704 of the Senate amendment:

DON YOUNG,
BOB DAVIS,
WILLIAM CARNEY,
JACK FIELDS,

(In lieu of Mr. Young for consideration of section 1121 of the House bill and section 504 of the Senate amendment.)

From the Committee on Ways and Means, for consideration of Title XV of the House bill, and Title XVIII of the Senate amendment:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
JOHN J. DUNCAN,
GUY VANDER JAGT,
BILL FRENZEL.

Managers on the Part of the House.

On behalf of the Committee on Environment and Public Works:

ROBERT T. STAFFORD,
JAMES ABDNOR,
PETE V. DOMENICI,
DAVID DURENBERGER,
LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURDICK,

On behalf of the Committee on Finance on Section 606 and Title VIII of the Senate amendment to H.R. 6 and Section 109 and Title XV of H.R. 6:

BOB PACKWOOD,
WILLIAM V. ROTH, Jr.,
JOHN C. DANFORTH,
RUSSELL B. LONG,
SPARK M. MATSUNAGA.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers of the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Project Funding Priority

The conferees are aware that budget priorities are necessary and inevitable. How such priorities are determined is the joint responsibility of the Administration and the Congress.

Project priorities should be based on a combination of factors such as benefit to the nation, environmental and economic values, regional equity, and need.

Project priorities should not be based on the examination of any single variable, especially one which may be unrelated to the basic merits of the projects themselves.

Project priorities should not be set solely on the basis of the size of the local financial share of project development, the size or purpose of the project itself, or the ability of the local sponsor to pay the non-federal share of project costs.

NEPA

Nothing in this bill overrides or modifies the National Environmental Policy Act, commonly known as NEPA. Projects that have never been studied, or only partially studied, must complete environmental review required pursuant to NEPA before any work can go forward.

Cost Estimates

Projects included in the bill generally reflect the total project costs, the estimated Federal first costs, and the estimated non-Federal first costs. The cost figures have been updated to reflect the

most current information available. The total project cost stated for each project represents an amount which is subject to the limitations on cost increases imposed by section 902 of the Conference Report. The estimated Federal first cost reflects the costs which would be required to be appropriated from Federal sources of revenue and includes amounts which are required to be repaid by local interests. Conversely, the estimated non-Federal first costs excludes amounts to be repaid over time. In many cases, the actual Federal share of costs may be somewhat lower than the share reflected in the costs shown in the bill.

DEFINITION OF "SECRETARY"

Section 2 of the Conference Report defines "Secretary" to mean the Secretary of the Army. In adopting the Senate bill's definition, the Conferees are not limiting the Secretary's existing authority to delegate duties or functions to the Chief of Engineers or other Corps of Engineers officials.

Pre-Construction Planning, Engineering, and Design

Certain projects are authorized for pre-construction planning, engineering, and design. Projects in this category have no completed Corps of Engineers feasibility report. These projects are authorized for the corps to conduct full study of the project as well as for the corps to go beyond the normal study phase and proceed with more detailed work toward the ultimate construction of the project including construction specifications. The corps will, in effect, be authorized to do everything necessary for construction, except let the contracts to actually initiate construction.

TITLE I—COST SHARING

Both the House and Senate bills contained changes to cost sharing formulas applicable to Corps of Engineers water resources development projects. The following paragraphs summarize the highlights of the cost sharing provisions of each bill, described by project purpose:

Harbors

Both bills required the following non-Federal share of the cost of constructing general navigation facilities, the amount depending on project depths: for depths of twenty feet or less (but greater than 14 feet under the House bill), 10 percent; for depths greater than twenty feet but no more than forty-five feet, 25 percent of the cost of increment greater than twenty feet; for depths greater than forty-five feet, 50 percent of the cost of the increment greater than forty-five feet.

The House bill required that a non-Federal interest provide all lands, easements, rights-of-way, relocation (other than for utilities), and dredged material disposal areas for project construction and maintenance, but the non-Federal interest would be reimbursed for any amount in excess of 5 percent of total project cost. The Senate bill required all lands, etc., with no reimbursement. The Senate bill also required the payment of an additional 10 percent of the cost of

general navigation facilities, but allows the Secretary to credit certain traditional costs toward the 10 percent.

Under both bills, project operation and maintenance costs would be 100 percent Federal for work associated with maintaining depths to forty-five feet and 50 percent non-Federal for any additional costs of maintaining depths greater than that depth.

The Senate bill specified that costs of correcting erosion or shoaling problems due to a Federal navigation project was to be the same as that applicable to the project causing the problem.

The Conference Report is the same as both bills with respect to the requirement for payment during construction of 10, 25, and 50 percent for the incremental depths.

An additional 10 percent is to be paid over 30 years, with interest. The cost of lands, easements, rights-of-way, relocations, and dredged material disposal areas, which are to be provided in all cases, are to be credited against this 10 percent.

Operation and maintenance costs are to be Federal, except that in the case of a deep-draft project the non-Federal share is 50 percent of the incremental cost of maintenance below depths of 45 feet.

The Senate provision on erosion or shoaling damage is adopted.

The Conference substitute also details the elements of the agreement that must be entered into between the Secretary and non-Federal interests for construction of harbor projects.

UTILITY RELOCATIONS

Section 101(a)(4) provides that in cases of commercial channel or harbor projects deeper than forty-five feet, the cost of necessary relocations or alterations of pipelines, cables and related facilities will be divided equally between the non-Federal interests and the owner of such facility. Such relocation costs shall not include any cost for upgrading or improving such facilities, which is to be borne by the facility owner.

Except as provided in section 204, this section is not intended to place any new obligation on non-Federal interests to pay for relocations necessitated by commercial channel or harbor development involving depths of forty-five feet or less. This provision also continues the current policy that it is the responsibility of the non-Federal interest to ensure the relocations necessary for such a project are accomplished.

For projects involving depths of forty-five feet or less, the legislation does not restrict in any way the manner in which the non-Federal interest finances the relocation. If the non-Federal interest has the authority to compel the owner of the facility to pay relocation costs, it may do so. By the same token, the non-Federal sponsor may pay as much of the relocation costs as may be required or appropriate. This question is to be resolved between the non-Federal interest and the owners of the facilities being relocated.

Inland Waterway Transportation

Both the House and Senate bills use the existing Inland Waterways Trust Fund to pay a share of the cost of construction specified lock and dam projects. The House bill required that one-third of

the construction cost be paid out of the Trust Fund, the balance to come from general revenues. The Senate bill required that one-half of such costs be paid out of the Trust Fund with the balance coming from general revenues.

The Conference Report requires that 50 percent of construction costs of seven specified inland lock projects is to be paid from the Inland Waterways Trust Fund and 50 percent is to be paid from the general fund of the Treasury. An eighth project will receive some funding from the Trust Fund. The Definition of "construction" from the House bill is adopted.

Flood Control

Both the House and Senate bills required a non-Federal interest to pay a minimum of 25% of total project cost for structural measures, including a minimum of 5% cash during construction plus lands, etc. The House bill limited the non-Federal share to 30% where lands, etc. exceeded 25% of total project cost. The Senate bill contained no maximum share. House nor Senate require cash payments during construction for non-structural measures.

The conference substitute provides for structural flood control project a minimum cost share of 25% and a maximum of 50 percent cost sharing as follows:

(1) 5 percent of the costs of each project assigned to flood control must in all cases be paid during construction.

(2) Lands, easements, rights-of-way, relocations, and dredged material disposal areas must be provided by non-Federal interests (except to the extent they exceed 50% when added to the cash required under paragraph (1)).

(3) If the amounts contributed under (1) and (2) are less than 25%, the non-Federal interests must contribute an additional amount in cash during construction in order to reach the 25% minimum.

The non-Federal interests may pay any portion of their share exceeding 30 percent over 15 years (or an agreed upon shorter period) with interest.

The cost sharing requirement for nonstructural projects is 25% with no cash required during construction.

Other Purposes

The House bill did not change existing law with respect to cost sharing for hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, beach erosion control, water quality enhancement, and fish and wildlife mitigation and enhancement. The Senate bill did not change existing law with respect to cost sharing policy for hydroelectric power. However, with respect to other project purposes, the Senate bill generally increased non-Federal responsibility as follows:

(1) Municipal and Industrial Water Supply.—The Senate bill retains the existing 100% non-Federal share of project costs, with modifications to certain financing aspects of municipal and industrial cost sharing policy.

(2) Agricultural Water Supply.—The Senate bill specified that the non-Federal share is 35%, applicable to joint and separable costs.

(3) Recreation.—The Senate bill specified that the non-Federal share is 50%, applicable to joint and separable costs, and that recreational navigation is included.

(4) Hurricane and Storm Damage Reduction.—The Senate bill specified that the non-Federal share is 35%, applicable to joint and separable cost.

(5) Aquatic Plant Control.—The Senate bill specified that the non-Federal share is 50%.

(6) Beach Erosion Control, Water Quality Enhancement, and Fish and Wildlife Mitigation.—The Senate bill specified that costs are to be assigned to the appropriate purposes listed elsewhere in the bill and costs shared accordingly. It further required that costs for these types of projects that benefit privately owned shares or prevented loss of non-Federal land are to be 100% non-Federal.

The Conference substitute adopts the Senate provisions with respect to other project purposes.

Applicability

For harbors, the Senate bill applied the new cost sharing formula to any project, or separable element thereof, on which construction has not been initiated prior to the date of enactment. The House bill applied the new formula to any project on which construction funds are not obligated before January 1, 1985.

For flood control and other purposes (other than commercial navigation) the Senate bill applied the new cost sharing formula to any project, or separable element thereof, on which physical construction was not initiated prior to May 15, 1986. For flood control, the House bill applied new cost sharing requirements to any project for which a construction contract had not been entered into before the date of enactment.

With respect; to harbors the conference substitute applies the cost sharing provisions to any project or separable element on which a contract for physical construction has not been awarded before the date of enactment.

For flood control and other purposes, the conference substitute applies the cost sharing provisions to any project or separable element on which physical construction is initiated after April 30, 1986.

Ability to pay

Section 103(1) of the Conference Report requires any cost-sharing agreement under Title I for flood control or agricultural water supply to be subject to the ability of a non-Federal sponsor to pay. The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures to be established by the Secretary. The provision is derived from language contained in the Senate bill which made cost sharing agreements under the bill for flood control, rural drainage and agricultural water supply subject to the ability of the non-Federal interest to pay. The House bill did not contain a similar provision.

It is the intent of the Conferees that where local interests are determined by the Secretary to be unable to satisfy the otherwise applicable non-Federal cost sharing requirements, this inability to pay should not be used to penalize them. In such cases, the Secretary should not assign any lower priority to otherwise meritorious projects because the local sponsor is economically disadvantaged. Futhermore, the Conferees intend that the ability to pay test is applicable to all projects with flood control and agricultural water supply benefits, regardless of the project's overall benefit to cost ratio. Accordingly, any costs required to be paid by local interests by virtue of the provisions of subsection 903(c) of the Conference Report would also be subject to a local sponsor's ability to pay.

General Credits

The House bill contained a number of provisions that authorized the Secretary to credit against the non-Federal share of project costs any work undertaken by local interests which was compatible with the flood control project authorized in the bill but which was undertaken prior to the project's authorization.

As a general matter, the Conference Report deletes such crediting provisions applicable to individual projects. As an alternative, the Conferees have expanded upon general provisions contained in the House and Senate bills allowing the Secretary to credit the cost of certain work undertaken by local interests prior to project authorization against the non-Federal share of project costs.

Under the compromise in the Conference Report, the Secretary, within one year, will develop guidelines for the consideration of compatible work. These guidelines are to be developed with public participation and in conformance with the principles and guidelines on water project review.

The non-Federal sponsor of any flood control project authorized in this Act may submit to the Secretary a request that work undertaken by the sponsor in the five years preceding the enactment of this Act be considered as compatible, and thus a part of the project for purposes of calculating project benefits and costs and for the purposes of cost sharing calculating the non-Federal share of project costs.

If the Secretary, based on the guidelines called for under the generic crediting provision, agrees with the non-Federal sponsor that the work is compatible with the authorized project, then the benefits and costs of the work will be counted towards the benefits and costs of the authorized project and the cost of such work can be applied toward the non-Federal share of project costs.

Such crediting does not relieve the non-Federal sponsor of the requirement that it contribute 5 percent of the project cost in cash during the period of construction.

In a limited number of specific cases, the Conferees have made work undertaken prior to the five-year period eligible for consideration by the Secretary within the overall framework of the generic provision on crediting. However, consistent with the general crediting provision, the Conferees have deleted specific crediting provisions for the Three Mile Creek, Alabama; Metropolitan Atlanta, Georgia; Quincy Coastal Streams, Massachusetts; and Lake Wichita (Holliday Creek), Texas, projects. The work specifically referenced

for crediting in the House bill with respect to these four projects would, however, be eligible for consideration under the generic credit provision.

Feasibility Reports

Both bills and the conference report require a reconnaissance study, at Federal expense, and a feasibility report at 50% non-Federal cost. Up to half of the non-Federal share is payable in in-kind services. The Senate and the House bills and the conference report do not apply a study cost sharing to projects on the inland waterway system.

Interest Rate

Both the Senate and House bills contained similar provisions modifying the interest rate to be paid by non-Federal interests for that portion of project costs to be repaid over time. The Senate provision required an extra one-eight of one percent to be paid to cover Treasury transaction costs.

The conference report adopts the Senate provision.

Additional Work

A number of projects authorized in the Conference Report require the Secretary to review certain project-associated problems, such as problems associated with the fish and wildlife or other environmental impacts of a project. In a number of such cases, the Conference Report authorizes the Secretary to modify the project based on the result of such review.

Such a modification may increase project costs, although the extent of such cost increase may not be known at the time project construction is initiated.

Therefore, the Secretary is expected to include in cost-sharing agreements for such projects, a provision requiring that non-Federal interests pay the appropriate share of any project modifications implemented by the Secretary pursuant to the authority conferred in this Act.

TITLE II—HARBOR DEVELOPMENT

The House bill authorized thirty-seven harbor improvement projects in coastal waters and on the Great Lakes. In addition, it contained several specific provisions for certain port facilities, administrative requirements, and limits on certain dredging activities. Major provisions included:

—Allowing the study, design, and construction of harbor projects by non-Federal interest and, under certain circumstances, allowing Federal participation in the funding of such projects.

—Establishing procedures for expediting Federal, state, and local decisions on approvals required for harbor projects, including landside facilities.

—Creation of a program for Federal guarantees of non-Federal obligations to finance harbor projects.

The Senate bill authorized thirty-two harbor projects in coastal waters and on the Great Lakes. In addition, it contained several

administrative provisions, such as consideration of national defense activities. Major provisions included:

—Allowing for planning and construction of harbor projects by non-Federal interests in accordance with guidelines prepared by the Secretary and, under certain conditions, providing for Federal participation in the funding of such projects.

—Establishing procedures for expediting Federal decisions on approvals required for harbor projects.

The Conference report authorizes 35 projects in accordance with existing Corps of Engineers reports. In addition, another five projects are authorized subject to a report of the Chief of Engineers and approval by the Secretary.

The Conference substitute also includes a combination of the House and Senate provisions permitting non-Federal interests to conduct feasibility studies of projects.

The Conference substitute adopts the Senate provision on construction of projects by non-Federal interests.

With respect to expedited permitting procedures the Conference substitute is substantially the same as the House provision.

The Conference report does not contain the House provisions providing loan guarantees for harbor construction.

The Conference substitute also includes the House provision on information for national security.

Additionally, the Conference substitute includes the Senate provision concerning authorizations from the Harbor Maintenance Trust Fund for eligible operations and maintenance costs.

Further, the Conference substitute includes the House provision concerning the Mud Dump, modified to require designation of an alternative site within 3 years from date of enactment and specifying that it be located not less than 20 miles from the shoreline.

The Conference substitute includes the House provisions on emergency services and the harbor office at Morro Bay, California.

Mississippi River Ship Channel, Gulf to Baton Rouge, LA

The Conferees have agreed to accept language from the House passed bill which requires the Corps of Engineers to obtain a permit from the Fish and Wildlife Service as required by Public Law 89–669 prior to conducting any project related work in the Delta National Wildlife Refuge.

Specific mention of compliance with the permitting requirements of Public Law 89–669 in this case is noted only to clarify any ambiguity on the need for such a permit in this specific case. The conferees expect that the Corps of Engineers will comply with the permitting requirements of Public Law 89–669 and any other environmental legislation which may affect the implementation of the projects authorized for construction in this Act.

ADDITION TO STATEMENT OF MANAGERS H.R. 6

Responsibility for Bay Area Rapid Transit tube protection costs is placed with local interests. The costs will be credited against the Section 101(a)(2) ten percent payment. This crediting will reduce the non-federal costs for the overall project by an estimated $3.356 million below what they would have been if tube protection had

been defined as purely local responsibility to be met outside of the project.

Monroe Harbor, MI

The Conferees have included authorization of the formation of a 700 acre marsh in Plum Creek Bay as recommended by the District Engineer as part of the project.

The Conferees are in agreement that the construction of this marsh in necessary to mitigate the adverse environmental impacts of project development.

San Juan Harbor

Tidal and wave conditions in the vicinity of the San Juan Harbor dictate that to have a safe controlling navigational depth of 45 feet, the harbor must be dredged to an actual depth of 48 feet. This extra 3-foot increment is only authorized for safety purposes and is not intended to be for the purpose of accommodating vessels requiring a depth of more than 45 feet.

The Conferees have therefore included language providing that the full cost of this extra 3-foot increment of construction be shared between the Federal government and the project sponsor as if it were being constructed to a depth of only 45 feet.

Grays Harbor

Tidal and wave conditions in the vicinity of the Grays Harbor dictate that dredging to a depth of 46 feet is necessary to have a safe controlling depth of 45 feet. This extra one foot increment is only authorized for safety purposes and is not intended to be for the purpose of accommodating vessels requiring a depth of more than 45 feet.

The Conferees have, therefore, included language providing that the full costs of the Grays Harbor project be shared between the Federal government and the non-Federal sponsor as if it were being constructed to a maximum depth of 45 feet.

TITLE III—INLAND WATERWAY TRANSPORTATION SYSTEM

The House bill authorized construction of seven lock and dam projects on the inland waterway system and required that construction of those projects be completed within seven years after initial appropriation of construction funds. The Senate bill authorized six lock and dam projects and authorized the transfer of certain structures on the Kentucky River.

The conference substitute authorizes construction of six projects in accordance with Chief of Engineers reports and one project subject to a report of the Chief of Engineers and approval of the Secretary. The Senate provision with respect to the Kentucky River has been adopted.

In addition, an Inland Waterways Users Board is established to make recommendations regarding construction and rehabilitation priorities and spending levels for the inland waterways.

Because of the difficulty in predicting the pace of appropriations for individual projects, the Conferees have deleted the House provision requiring completion of all projects within seven years. Never-

theless, the Conferees encourage the Secretary to make every effort to construct each of these projects within a seven-year time frame.

With respect to the authorization for the Bonneville Lock and Dam project, the conference substitute deletes the House requirement for a bioengineering committee. It is the intent of the conferees that, notwithstanding the deletion of this legislative requirement, the Secretary establish a bioengineering committee or other appropriate mechanism to review plans for the project, recommend measures to minimize adverse affects of the project, and develop a mitigation plan for the project. The committee should include representatives of the Corps of Engineers, the contractor for construction of the project, and appropriate state and Federal agencies.

TITLE IV—FLOOD CONTROL

This House bill authorized 105 projects for the reduction of flood damages. The Senate bill authorized 81 projects. The House bill specifically required participation in and compliance with Federal flood plain management and flood insurance programs and would revise the term "flood control" to include measures to reduce damages due to groundwater.

The Conference report divides project authorizations into 5 categories:

(1) Eighty-six projects are authorized in accordance with feasibility reports prepared by the Corps of Engineers. There are listed in section 401(a).

(2) Six projects are authorized subject to a report of the Chief of Engineers and approval by the Secretary. These are listed in section 401(b).

Twelve projects are authorized for planning, engineering, and design. There are listed in section 401(c).

(4) Five small projects are authorized in accordance with section 205 of the Flood Control Act of 1948. These are listed in section 401(d).

(5) Five additional projects are authorized for full construction. These projects are listed in section 401(e). For these projects a special procedure is set forth in section 903(a) which requires review by the Secretary before these projects can be constructed.

The conference substitute includes the House provisions requiring participation in and compliance with Federal flood plain management and flood insurance programs, and revising the term "flood control" to include measures to reduce groundwater-induced damages.

Malheur and Harney Lakes, Oregon

Section 401(c) of the Conference Report authorizes the Secretary to carry out planning, engineering, and design for structural and non-structural measures to prevent flood damage resulting from rising lake levels at Malheur and Harney Lakes, Oregon. The Conference substitute is based largely on the House bill. The Senate bill had no comparable provisions.

The Conferees expect that the structural and non-structural measures contemplated by this provision will be compatible with

the environmentally sensitive nature of the lake areas and in particular with the Malheur National Wildlife Refuge which is contiguous with the Lakes. Accordingly, the work authorized for Malheur and Harney Lakes must comply with any legal requirements which would otherwise be applicable to the project by nature of its proximity to the Refuge.

Harrisburg, Pennsylvania

With respect to the Harrisburg, Pennsylvania, project which was included in both the House and Senate bills, the Conferees have added language originally proposed by the House authorizing the Secretary to study the feasibility of providing an alternative to the recommended plan in the form of a floodway along Paxton Creek between Wildwood Lake and MacLay Street. Futhermore, the Secretary is authorized to include as part of the authorized project any modifications to the project which the Secretary determines to be feasible and appropriate based on such study.

In view of the concerns about the project raised by the Environmental Protection Agency, the Department of the Interior, and the Pennsylvania Fish Commission, the Conferees direct that a number of other measures be undertaken by the Corps to protect environmental values, to the extent determined necessary and appropriate. Specifically, the Conferees direct that the Secretary consider addition of a low-flow channel or fishway in both the improved earth channel and the concrete channel portion of the project, utilization of sloping sides sections in the concrete channel, and modifications to bridge crossing Paxton Creek to prevent damming of the creek. Additionally, the project is to include the cost of any relocation required for geodetic control survey monuments.

Nonconnah Creek

In connection with the Nonconnah Creek flood control project, which was authorized under both the House and Senate bills, the Conference Report has included language proposed by the House requiring the Secretary to evaluate fish and wildlife losses resulting from construction of the project and to implement any additional such measures which the Secretary deems necessary and appropriate to mitigate such losses. In addition, the Secretary is required to adopt and implement guidelines with respect to clearing and snagging as he deems necessary to mimimize any adverse effects on fish and wildlife habitat at the project. This language was included in response to concerns with the recommended plan raised by the Department of the Interior. However, inclusion of this language is not intended to minimize or alter the Secretary's responsibilities under the Fish and Wildlife Coordination Act and other Federal laws to mitigate any adverse fish and wildlife impacts of this or any other project authorized under this Act.

James River

The work which is being authorized for the James River in South Dakota is to be completely and thoroughly reviewed by the Secretary for economic viability and environmental soundness, as was intended by the Senate when this provision was first included in water resource legislation in the 98th Congress.

The Secretary is to consult with all appropriate non-federal public interests at the state and local levels in developing its recommendations for project development.

Construction of this project is contingent on approval by the Secretary of the Army of the plan of improvement, in accord with the recommendations of the Chief of Engineers and the Secretary.

Because local concerns have been raised that this project may be used for irrigation purposes the conferees wish to make it clear that the project is not authorized for irrigation purposes.

The conferees also encourage the Corps of Engineers and local project interests to investigate the potential for financing the local cost sharing required for this project under the provisions of Section 916 of this act relating to the acceptance of cost sharing from Project Repayment Districts.

Flood Control for Mansfield, Ohio

The Conferees are aware that the Corps of Engineers is developing a "Section 205" flood control project for the community of Mansfield which may be developed in lieu of the project which is authorized in this Act.

The Conferees intend that the local interests should be able to work with the Corps to determine whether the 205 project or the project authorized in this Act best serves the community's needs. Accordingly, the Conferees have included language in the Conference Report to ensure that authorization of a project by Congress will not preclude the development of a Section 205 project.

Des Moines River

The conference agreement requires the Secretary to study the feasibility of providing flood control in certain stated areas. The conferees intend that if additional measures are determined to be necessary and within the scope of the authorized project, the Secretary is authorized to implement those additional measures subject to appropriate cost sharing.

TITLE V—SHORELINE PROTECTION

The House bill authorized 23 projects for shoreline protection. The Senate bill authorized 22 projects and specified that project construction would be subject to compliance with the Coastal Barrier Resources Act.

In the Conference substitute, project authorizations are divided into 5 categories and provides for new Clean Lakes and Streambank Erosion Control Programs:

(1) Eighteen projects are authorized in accordance with existing Corps feasibility reports. These are listed in section 501(a).

(2) Three projects are authorized subject to a report of the Corps of Engineers and approval by the Secretary. These are listed in section 501(b).

(3) One project is authorized for planning, engineering, and design. This is listed in section 501(c).

(4) One small project is authorized in accordance with section 103 of the River and Harbor Act of 1962. This project is listed in section 501(d).

(5) One project is authorized subject to Section 903(a) of this Act.

The conference substitute specifies that construction of each project in this title is subject to compliance with the Coastal Barrier Resources Act.

TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

The House bill authorized 81 projects for such purposes as shallow draft navigation, fish and wildlife mitigation, hydroelectric power, silt and debris removal, streambank erosion, and multiple-purpose activities. The Senate bill authorized 41 projects generally coming under the same project purposes.

The conference report divides project authorizations into four categories:

(1) Thirty-five projects are authorized in accordance with Corps feasibility reports. These are listed in section 601(a).

(2) Four projects are authorized subject to a report of the Chief of Engineers and approval by the Secretary. These are listed in section 601(b).

(3) Six projects are authorized for planning, engineering, and design. These are listed in section 601(c).

(4) Four small projects are authorized in accordance with section 107 of the River and Harbor Act of 1960. These are listed in section 601(d).

Clean Lakes And Streambank Erosion Control Programs

Sections 602 and 603 of the Conference Report establish new programs for lake cleanup and streambank erosion control. Both the House and Senate bills authorized various individual projects to remove silt, aquatic growth, stumps and other debris from lakes. Neither bill contained a generic program for lake cleanups.

Under the new lake restoration provision in the Conference substitute, the Secretary is authorized and directed to undertake projects at specified lakes throughout the Nation. The program's total authorization is $40 million, with a per site limitation of $8 million.

Similarly, the House bill authorized various individual steambank erosion projects, while the Senate authorized a small generic streambank protection program.

Under the new provision contained in the Conference substitute the Secretary is authorized and directed to undertake projects at specified sites. Total authorization for the program is $150 million, with a per site limitation of $5 million.

The lake cleanup and streambank protection projects will not require the preparation of fully documented feasibility reports of the Chief of Engineers. The Conferees, however, expect the Corps to undertake a sufficient examination of problems posed at each site and alternatives available to remedy those problems.

In selecting recommended plans for each project in the clean lakes and streambank protection programs, the Corps is to choose the alternative that best achieves the program's objective in the most environmentally sensitive and cost-effective manner.

Inland Harbors

Five inland harbor projects were included in the House bill with a directive to construct the projects to full project dimensions. Under the Corps plan, the projects would be dredged initially to a depth of 9 feet, with dredging to a depth of 12 feet at such time as a 12 foot channel is constructed on the Mississippi River.

The Senate bill did not contain this directive. The House language directing the Corps to construct the project to full project dimensions has been deleted by the Conferees. This should not be interpreted as limiting the authority of the Corps to construct these projects to their full dimension at such time as the work is determined by the Secretary to be economically justified and environmentally acceptable. Furthermore, it is the Conferees' understanding that proceeding to dredging these projects to a 12 foot depth is not dependent upon construction of a 12 foot channel for the Mississippi River.

Jacksonville Harbor (Mill Cove)

Section 601(a) of the Conference Report authorizes a navigation project of Jacksonville Harbor (Mill Cove), Florida, containing provisions for both the House and the Senate bills. The Conferees adopt the Senate provisions with additional language for the House bill, which assures the availability of adequate dredged material disposal areas and requires the Secretary to report on, among other things, the potential for recreational development of such areas.

The purpose of the Jacksonville Harbor (Mill Cove) project is to mitigate damages caused by the Jacksonville Harbor navigation project. Current problems relate to shoaling conditions within Mill Cove which were induced by construction of the navigation project. Under the provisions of section 906 of the Conference Report, mitigation projects such as the Jacksonville project are to be cost shared on the same basis as the project which caused the damages to be mitigated. In this case, the project causing the shoaling problem was constructed entirely with Federal funds. Accordingly, the mitigation work authorized for the Jacksonville project is to be undertaken at full Federal cost.

Cooper Lake and Channels

The non-Federal share of any portion of the costs of fish and wildlife losses attributable to water supply features of the project shall be repaid in accordance with the Water Supply Act of 1958. The non-Federal share of any portion of the costs of fish and wildlife mitigation losses attributable to recreation features of the project shall be repaid in accordance with the Federal Water Project Recreation Act.

Des Moines River Greenbelt

Section 604 of the conference agreement deletes the House provision because the basic authorization of the project was included in Public Law 99-88. The conferees intend that the Secretary consult with the advisory committee as provided for in the House provision.

The advisory committee is to be constituted as follows: Five persons appointed by the Governor of Iowa; two persons appointed by their respective boards of supervisors to represent Mahaska, Marino, Warren, Jasper, Polk, Dallas, Boone and Webster Counties; one person appointed by the Mayor of the City of Des Moines and one additional person appointed by the mayor or each other incorporated municipality within whose boundaries a portion of such recreation area lies; and three employees or officials of the Corps of Engineers designated by the Secretary.

Black Warrior-Tombigbee River Erosion Control

Section 623 of the conference report directs the Secretary to conduct a 6-month study of the erosion problems occurring along river miles 253–255 on the Black Warrior-Tombigbee River. The Secretary may provide technical assistance and help while the study is underway to asssist non-Federal interests in carrying out erosion prevention measures.

TITLE VII—STUDIES

The House bill authorized 29 studies, including site-specific studies as well as general studies. In addition, it established a procedure for the review of incomplete studies for possible deauthorization, required several special reports, and included other provisions affecting the preparation and conduct of studies. Major study provisions included:

—A study of the possibility of rehabilitating hydroelectric potential at former industrial sites and similar facilities.

—A study of the feasibility of using Corps of Engineers capabilities to conserve fish and wildlife resources.

—A study of the water resources needs of river basins and regions.

—An estimate of long-range capital investment needs for water resources programs.

—An assessment of studies that have not resulted in reports to Congress, with recommendations regarding possible deauthorization.

The Senate bill authorized 8 similar studies. In addition, it contained a general study deauthorization procedure and included several report requirements related to water resources investigations. Major study provisions included:

—A survey of potential methods for rehabilitating former industrial sites for use as hydroelectric facilities.

—A study of shoreline protection and erosion control policies in view of rising ocean levels.

—A procedure for automatic deauthorization of unfunded studies.

With few exceptions, the Conference Substitute includes all of the studies in both the House and Senate bills. Most appear in title VII of the substitute.

TITLE VIII—PROJECT MODIFICATIONS

The House bill modified 87 previously authorized Corps of Engineers projects to alter the physical components of a project; change

project scope; revise the Federal and non-Federal responsibilities for project implementation or operation and maintenance; or change authorized project purposes. The Senate bill contained 20 similar provisions.

With few exceptions, the conference substitute adopts both the Senate and House modifications. Certain of these modifications are authorized for construction or, in some cases authorized subject to a report of the Chief of Engineers and approval by the Secretary under section 903(b) of the Act. Some projects are authorized only for planning, engineering, and design.

Curwensville Lake, Pennsylvania

The Conferees have adopted language contained in the House bill which modifies the Curwensville Lake project, Pennsylvania, to authorize the Secretary to construct a water line, including pumps, from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the Town of Bloomington, Pennsylvania.

The modification is necessary to supplement water supply from a water well owned by the Bloomington Water Authority which was originally relocated as a result of the Curwensville Lake project.

The original well was located below the project's flood pool and provided adequate water to the community. The relocated well was drilled farther up slope in 1965, and was specified to provide 40 gallons per minute.

The relocated well is not producing sufficient water to meet local damand. In light of this past history, the Conferees have included authorization to obtain additional water supply for the Town of Bloomington.

Lake Texoma

Section 838 allows for an additional allocation of water from Lake Texoma to municipal, industrial and agricultural users in Texas and Oklahoma. It provides that should the Corps of Engineers determines that such allocation would diminish hydropower production for the Southwestern Power Administration's customers, compensation would be required.

The section also modifies the authorized project purposes at Lake Texoma, currently flood control, hydropower, and water supply, to add recreation as an additional authorized project purpose, at no additional cost to local, state or federal governments. The conferees emphasize that this modification would not provide for any water or water storage reallocation for recreation. The designation of recreation will have no impact upon other authorized project purposes, contracts for the purpose of hydroelectric power and/or benefits of hydroelectric power users. Should there be any later adjustment in water or water storage allocation, or any significant change in operational flexibility or scheduling for recreational purposes, hydroelectric power users shall receive compensation for replacement power costs and/or revenues lost consistent with the calculations forth in this section.

Chatfield Lake

The conferees intend that nothing in section 842 of the Conference Substitute abrogate or alter the rights and obligations which exist under the Water Supply Act of 1958, as amended.

Industrial Lock

The bill includes language authorizing construction of the Mississippi River Gulf Outlet feature of the project for the Mississippi River, Baton Rouge to Gulf of Mexico (commonly referred to as the Industrial Lock in New Orleans). This lock serves both general cargo navigation and shallow-draft inland navigation.

For the purposes of cost sharing under the terms of this bill, the Corps will make an allocation of project cost based on the percentage of the benefits of the Industrial Lock project attributable to shallow-draft traffic, and the portion of benefits attributable to shallow-draft traffic, and the portion of benefits attributable to general cargo vessels with deeper drafts as well as other factors.

Once the cost allocation is made, half of the cost attributable to shallow-draft inland traffic shall be paid from the Inland Waterways Trust Fund; half from general revenues. The costs attributable to deeper-draft traffic shall be cost shared on the same basis as any general cargo project under the terms of Section 101 of the bill. In constructing the improvements at the lock, the Corps should minimize project closure because of their adverse impact on shipping.

Title IX—General Provisions

The House bill included 62 provisions with general applicability to a broad range of projects or procedures. Major provisions included:

—Establishing ceilings on total corps of Engineers Civil Works construction appropriations.

—Limiting project costs and project modifications to those caused by inflation, involving no change in project scope, or resulting from other provisions of law.

—Raising the program and single project ceilings for small project authorities.

—Specifying planning objectives to be included as part of the planning process for individual Corps of Engineers projects.

—Provisions for automatic deauthorization of projects authorized in the bill unless funds are obligated for planning, design or construction within certain time limits.

The Senate bill included 35 general provisions. These included:

—Establishing ceilings on total Corps of Engineers Civil Works construction obligations.

—Limiting project modifications to stay within a 25 percent percentage with regard to specified physical parameters and limiting project cost increases to 10% plus inflation.

—Raising single project ceilings for small project authorities.

—Authority to provide mitigation at Corps projects, and to require mitigation to be concurrent with project construction.

—Requiring favorable Corps of Engineers reports prior to construction of projects authorized in the bill.

—Automatic deauthorization of projects not having received funding for 10 years.

Title IX of the conference substitute combines the general provisions of the House and Senate bills. The major provisions are the following:

Obligation Ceilings.—The Conference substitute sets annual obligation ceilings for Corps of Engineers Civil Works construction activities of $1.4, $1.5, $1.6, $1.7, and $1.8 billion for fiscal years 1987 through 1991.

Project Limitations.—The total project cost for each project authorized for construction in this Act, which is given in October, 1985, prices unless otherwise specified, may be increased only: (1) for changes in construction costs as defined in Section 902 and as indicated by engineering or other appropriate cost indexes; (2) by not more than 20 percent for modifications which do not materially alter the scope or functions of the project.

These changes are to be additive and are not to be multiplicative.

The Conferees recognize that Corps of Engineers water projects often must be modified to take into account new information. The Congress may subsequently authorize changes to the original project which alters its scope or physical components. The Chief of Engineers may determine that certain post-authorization changes are necessary.

The Conferees have, therefore, provided for an explicit limit to the cost increases which may be incurred on any project authorized in this Act. This limit may be exceeded only to meet the needs of specific Congressionally mandated studies or modifications, and other actions such as mitigation or other environmental measures authorized by this Act or required by other changes in Federal law.

With these provisions, the Conferees hope to encourage within the Corps of Engineers a greater recognition of the need to establish early in the planning process for water project development the precise costs of project development.

General Requirements.—The conference substitute establishes procedures for Secretarial approval of projects authorized for construction in the bill without reports, and for projects that are authorized subject to a favorable report of the Chief of Engineers.

Fish and Wildlife Mitigation.—The conference substitute states general rules and cost sharing requirements for fish and wildlife mitigation and enhancement. For mitigation, costs are to be shared in accordance with the project purposes for which mitigation is required. Enhancement which provides benefits determined to be national, (where the enhancement benefits threatened or endangered species, or is performed on national wildlife refuge lands) is a Federal cost. Other enhancement is to be cost-shared on the basis of 25% non-Federal cost. The conference substitute also establishes an Environmental Protection and Mitigation Fund, for which $35,000,000 is authorized to be appropriated.

This revolving fund is for the acquisition of mitigation lands in advance of project construction where the Secretary deems appropriate.

Section 903(a) of the Conference Substitute provides that, for 62 specified projects in the bill which are authorized for construction, the Secretary is to review and comment on at least one third of the projects during the first year after authorization, two-thirds during the second year; and all of such projects by the end of the third year. Projects on which the Secretary has not commented by the end of the third year will be deemed to have been approved.

For purposes of this subsection, the Conferees direct the Secretary to review and comment on the following projects during the following years.

FIRST YEAR

Noyes, Minnesota (Section 401(d)); Popular Brook, New Jersey (Section 401(e)); Salyersville, Kentucky (Section 401(e)); Greenwood Lake, New Jersey (Section 602(a)(3)); Sauk Lake, Minnesota (Section 602(a)(4)); Deal Lake, New Jersey (Section 602(a)(5)); Lake Worth, Texas (Section 602(a)(6)); Gorton's Pond, Rhode Island (Section 602(a)(9)); Little River, Arkansas (Section 603(f)(1)); Red Lake River, Minnesota (Section 603(f)(4)); Passaic River, New Jersey (Section 603(f)(8)); Ohio River and Tributaries (Section 603(f)(9)); Kanawha River, West Virginia (Section 603(f)(13)); Passaic River Basin Channel Clearing, including work in the vicinity of Beatties Dam, New Jersey (Section 607); Muck Levee, Illinois (Section 609); Dardanelle Lock and Dam, Arkansas (Section 826); Buffalo Ship Canal, New York (Section 839); Beaver Lake, Arkansas (Section 843); Sandy Hook to Barnegat Inlet, New Jersey (Section 854); Connecticut River Basin (Section 872); Passaic River Basin, New Jersey (Section 1148); and Satilla River Basin, Georgia (Section 1151).

SECOND YEAR

Harbor Office at Morrow Bay, California (Section 213); Mission Zanja Creek, California (Section 401(d)); Salt and Eel Rivers, California (Section 401(d)); Monroe and West Monroe, Louisiana (Section 401(d)); Orchard Beach, New York (Section 501(d)); Tangier Island, Virginia (Section 501(e)); Larkspur Ferry Channel, California (Section 601(d)); Lake George, Indiana (Section 602(a)(2)); Hamlet City Lake, North Carolina (Section 602(a)(7)); Lake Herman, South Dakota (Section 602(a)(8)); Elm Creek, Nebraska (Section 603(f)(7)); Upper Missouri River, South Dakota (Section 603(f)(10)); Memphis, Tennessee (Section 603(f)(11)); Swan Creek Harbor of Refuge, Michigan (Section 610); Santa Cruz Harbor, California (Section 811); Delaware Coast, Delaware (Section 869); Aliquiu Dam, New Mexico (Section 1112); Buffalo Harbor Drift Removal, New York (Section 1129); Rehabilitation of Dock, American Samoa (Section 1145); and Pearson-Skubitz, Kansas (Section 1167).

THIRD YEAR

Great Salt Lake, Utah (Section 401(E)(4)); Agat Small Boat Harbor, Guam (Section 601(d)); Albert Lea Lake, Freeborn County, Minnesota (Section 602(a)(1)); Sacramento River, California (Section 603(f)(2)); Wabash River, Illinois (Section 603(f)(3)); Caney Creek, Mississippi (Section 603(f)(5)); Platte River, Nebraska (Section

603(f)(6)); LaConner, Washington (Section 603(f)(12)); Mound State Park, Alabama (Section 608(a)); Fort Toulouse National Historic Landmark, Alabama (Section 608(b)); Interim Measures for Wheeling Creek, Ohio (Section 612); Yaquina Bay and Harbor, California (Section 807); Lewisville Lake, Texas (Section 825); Colusa Trough Drainage Canal, California (Section 830); Mississippi River-Gulf Outlet, Louisiana (Section 844); Dunkirk Harbor, New York (Section 848); Endicott, Johnson City and Vestal, New York (Section 852); Acequias Irrigation System, New Mexico (Section 1113); Miami River Sediments, Florida, (Section 1162); and Avalon Bay, California (Section 1169).

Environmental Mitigation Fund

The conferees intend that expenditures from the Environmental Mitigation Fund established pursuant to Section 908 of the Conference substitute not be considered as the initiation of construction of the project.

Engineering Review

Section 911 is adapted from both the Senate and House bills and will require a new cost-cutting review on all projects with a total cost in excess of $10 million. Although not specified in the Conference Report, the type of study to be undertaken is commonly known as value engineering.

Urban and Rural Flood Control Frequency

Section 914 of the conference report provides that in the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff. Drainage area and amount of discharge have no definite relation to the amounts of flood damages which may be inflicted, and no such limitation exists in the case of planning and recommending projects for flood damage reduction in rural areas. The provision places all areas on an equal footing. Section 914 should not be interpreted to direct the Corps to undertake a program to construct stormwater sewer systems.

Surveying and Mapping

The conferees adopted the House provision. Although section 918 of the Conference substitute will ensure that the Secretary will continue to be able to obtain quality surveying and mapping services, there exists the potential for the Secretary to abuse the authority granted here.

The Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House will closely monitor activities carried out under this provision.

Dredged Material Placement

Section 145 of the Water Resources Development Act of 1976 authorizes the Secretary to place clean, suitable dredged material from navigation projects on beaches for the purpose of beach resto-

ration and beach erosion control if the State agrees to pay the additional costs associated with depositing the material on the beach as opposed to depositing it in the planned disposal area.

Section 933 of the Conference substitute amends section 145 to provide that the non-Federal share shall be 50 percent of the additional cost rather than 100 percent. This is appropriate in view of the fact that existing law provides for 50 percent Federal cost-sharing for the protection of public beaches.

The Secretary and the states should take advantage of this section.

Fill Material for Beach Erosion and Nourishment

In carrying out Section 935 of the Conference substitute, the Corps of Engineers is expected to acquire and utilize fill material which is abundant and commonly available. Further in obtaining such material, the Secretary shall ensure that fragile or rare ecosystems, including coral reefs, are not disturbed or destroyed.

Navigation Damage Mitigation

The conferees adopted the Senate provision with an increase in the maximum cost of any individual project carried out pursuant to Section 940 of the Conference substitute to $2,000,000.

It should be clarified that the cost of the construction and operation and maintenance of any damage mitigation or prevent project constructed pursuant to this section is to be the borne by the non-federal sponsor of the navigation project responsible for the real or expected damage on the same basis as the cost sharing for the specific project for which the navigation is undertaken. Cost sharing for these damage prevention or mitigation projects is to be based only on the navigation related elements of the project responsible for the real or expected damage.

Projects constructed to prevent or mitigate damages caused by navigation projects constructed at full federal cost shall, also be constructed at full Federal cost.

Historical Properties

The Conferees adopt the House language with the clarification that Section 943 is in no way intended to provide the Secretary with the authority to repair, rehabilitate, or otherwise modify non-Federal dams even if such dams are on the National Register of Historic Places.

TITLE X—DEAUTHORIZATIONS

The House bill specifically deauthorized approximately 300 Corps of Engineers projects, or elements of projects, with a total cost exceeding $11 billion.

The Senate bill specifically deauthorized four projects.

Both the House and Senate bills also contained general provisions that establish procedures for potential future deauthorizations.

The Conference substitute also establishes a general deauthorization policy. Projects authorized by this bill are deauthorized if not funded within 5 years. In addition, the Secretary is to submit bian-

nual lists of projects which are authorized but have received no funding for 10 years. Under the first list submitted, the projects are deauthorized if they receive no funding by December 31, 1989. Projects on subsequent lists are automatically deauthorized if they receive no funding within 30 months after the list is transmitted to Congress.

TITLE XI—MISCELLANEOUS PROJECTS AND PROGRAMS

The House bill included 72 provisions for programs or projects that are unique to a particular location or region, or that represent unique functions. The Senate bill included 27 provisions of this nature.

The conference substitute includes a number of projects from both the House and Senate bills.

Upper Mississippi Master Plan and L&D 26

The Conferees have adopted language from both the House and Senate authorizations of the Upper Mississippi Master Plan and the second lock at Locks and Dam 26 on the Mississippi River.

The authorization for the second lock, and the authorization of the fish and wildlife protection and enhancement work to be carried out pursuant to the Master Plan have been kept in the same section. This juxtaposition is meant to reinforce the importance of having the authorized portions of the Master Plan work go forward concurrently with the construction of the second lock.

It should further be emphasized that this section is not intended to confer upon the Department of the Interior responsibilities which presently reside with the Corps of Engineers. More specifically, although the Fish and Wildlife Service is to work closely with the Corps of Engineers on the planning and design of fish and wildlife enhancement and protection projects authorized pursuant to this section, the Corps will remain responsible for the undertaking of any actual construction work which results from those plans and designs.

Red River Chloride

In evaluating the effectiveness of the operation of area VIII, the panel established pursuant to section 1107 is directed to employ the monitoring equipment and the data base developed by the U.S. Geological Survey, which is currently available at the area VIII site.

Abiquiu Dam

Section 1112 authorizes the construction of a set of emergency gates at Abiquiu Dam in New Mexico. These gates were part of the original design of the dam, but were never constructed in order to reduce costs. The addition of the gates at this time will complete the project as designed and will result in lower operation and maintenance costs at the dam.

The Conference Report also calls for a non-Federal share of 25% for that portion of the costs associated with any increase in flood control benefits produced by the addition of the emergency gates.

Pick-Sloan Plan

The Conferees affirm that Section 1122 of the Conference substitute makes no change to existing law. For this reason language has been added to make it clear that the Public Law 99-294 is not affected in any way by this section.

Further, the Conferees wish to make it clear that the cost sharing policies established by this Act and affecting the Corps of Engineers program are to be applied to Corps of Engineers projects which are considered part of the Pick-Sloan Plan.

Townsites

Public Law 98-88; (99 Stat. 293) authorized the Corps to sell and transfer to the local residents and their communities the ownership, operation and maintenance of townsites at Fort Peck, Montana; Riverdale, North Dakota; and Picktown, South Dakota.

Section 1123 of the Conference substitute amends the law to require transfer of a clear property title to residents and their community and remaining public utility improvements.

Pursuant to subsection (b) of Public Law 99-88, none of the lands or improvements on such lands described in subsection (a) may be declared to be excess property. This provision applies to any and all lands and improvements retained in the townsites by the United States to enable the Corps of Engineers to carry out its duties and responsibilities.

The Administrator of the Western Area Power Administration is authorized to allocate power from the Pick Sloan Missouri River Basin Program to the municipalities.

Cabin Site Leases

Nothing in section 1134 of the Conference substitute is intended to diminish or enhance any authority the Secretary may have to charge fair market rentals or administrative fees.

Lower Mississippi Wetlands

Section 1155 of the conference report provides the Secretary the authority and direction to develop and implement projects for the creation, protection, restoration, and enhancement of wetlands in conjunction with authorized navigation and flood control projects in the lower Mississippi River Valley. Through natural and man-induced processes, wetlands in the lower Mississippi River Valley are disappearing at an alarming rate. The Secretary shall assume the lead in this important area and will consult with the Fish and Wildlife Service, the National Marine Fisheries Service, and state conservation agencies, as appropriate, in developing and implementing wetlands projects

Nothing in this section is intended to limit the Secretary's existing authority to implement, operate and maintain projects for navigation and flood control for their authorized purposes. The conferees intend that the provisions of this section will be compatible with the prosecution of other authorized projects in the valley.

For purposes of this section, "wetlands" includes wetlands or potential wetland sites occurring within the area of hydrologic influence of a project.

San Luis Rey River Flood Control

Section 1165 of the Conference substitute establishes the interest rate for purposes of analyzing the costs and benefits of the San Luis Rey River, California, flood control project as the applicable interest rate at the time an agreement under section 215 of the Flood Control Act of 1968 was entered into. The 215 agreement for this project was executed in April 1983. Since that time the project sponsor, the City of Oceanside, California, has spent more than $560,000 in clearing the river channel and constructing the project's stabilizer and rock levee.

The project was authorized 16 years ago with a favorable benefit to cost ratio. This ratio has diminished over the years as interest rates have risen. Section —— requires the interest rate for analyzing the costs and benefits of this project to remain at the rate when the Corps of Engineers signed the 215 agreement.

Definition of "Navigable"

For purposes of the list required to be prepared pursuant to Section 1166(b) of the Conference Report, the term "navigable waters of the United States" has the same meaning as that term has under Sections 9 and 10 of the River and Harbors Act of 1899.

Elliott Creek

The purpose of Section 1170 is to ensure that the local cooperative agreement entered into by the Department of the Army and the non-Federal interests on January 24, 1984 need not be altered or renegotiated as a result of the enactment of this bill.

Buffalo River Sediments

The Conference agreement deletes section 1185, which required the Corps of Engineers in consultation with the environmental Protection Agency, to remove and dispose of toxic pollutants from areas of the Buffalo River in New York.

That type of activity is appropriate for a response by E.P.A. under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund). One of the most heavily contaminated "hot spots" in the Buffalo River appears to be within the Federal navigation channel.

Areas of High Unemployment (Formerly House Section 1137)

When constructing any water resources project in an area which has a high unemployment rate, the Secretary should, to the extent he determines feasible, provide for the employment of residents of such a labor market area.

For the purposes of the above, the term "labor market area" has the same meaning given to this term by the Secretary of Labor. Further, a labor market area has a high rate of unemployment if the average rate of unemployment for such area, as determined by the Secretary of Labor, over the most recent twelve-month period for which statistics are available is higher than the national average rate of unemployment, as determined by the Secretary of Labor, over such twelve-month period.

TITLE XII—DAM SAFETY

The House bill amended 1972 dam safety legislation to authorize:
—Restoration of non-Federal public dams.
—Engineering studies, where inspection reveals hazardous conditions.
—Repairs to two specific non-Federal dams.
—An annual update of dam inventory.

The Senate bill also amended the 1972 legislation to:
—Broaden the applicability of the legislation to apply to any potential serious dam failure, regardless of size.
—Provide for matching grants for developing and improving state dam safety programs.
—Establish a national dam safety review board.
—Allow for greater state involvement in activities such as inspections.
—Authorize Federal assistance in training state inspectors.
—Establish a dam safety research and development program.
—Authorize periodic updates of dam inventories.

The conferees adopted Senate Title IV—Dam Safety. In addition, the conferees include House language granting the Secretary the authority to provide, on a cost reimbursable basis, detailed engineering studies to determine the structural integrity of any dam found to be hazardous by the National Dam Inspection Program.

The conferees have also included language to ensure that those states that presently provide funding for dam safety programs will use the grant money provided by this title to improve their efforts and not use those funds in lieu of existing state funds.

The conferees note that although this new Title conveys new authorities upon the Secretary with respect to dam safety, the existing dam safety program of the Federal Emergency Management Agency is valuable and should continue to go forward. To the extent that there is some overlap between the new programs authorized in this title and FEMA's existing programs, FEMA should seek to redirect its efforts in a manner which is complementary to this new program.

This legislation is in no way intended to supersede or effect the work of the Interagency Committee on Dam Safety or FEMA's role as Chair of this interagency working group.

Further, compromise language has been adopted which authorizes the Secretary to provide technical assistance to the Schuyler County Public Water Supply District Number 1 in Missouri, and to the owners of the Milton Dam in Ohio.

It should be emphasized that this Title is in no way to be interpreted to convey upon the Secretary or any other official of the United States Government, the authority to perform any safety-related repairs or rehabilitations to any non-Federal dam.

TITLE XIII—NAMINGS

The House bill changed the names of eighteen projects or elements of projects. The Senate bill changed the names of two projects.

The conference substitute includes a number of the naming provisions from the House bill and adds the naming of "Jennings Randolph Lake" from the Senate bill.

TITLE XIV—REVENUE PROVISIONS

A. Port Use Tax and Trust Fund

1. Port use tax

Present law

Ports and harbors financing.—Federal expenditures for harbors and port development and maintenance have been financed from general revenues. No Federal user taxes or charges have been imposed for these expenditures.

Customs Service.—The U.S. Customs Service administers the collection of customs duties. The Tariff Act of 1930, as amended (19 U.S.C.), and the Customs Regulations set forth detailed rules and procedures for the classification and appraisal of imported merchandise and for the administration and enforcement of customs laws.

Saint Lawrence Seaway tolls.—The Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Authority of Canada jointly impose tolls for the commercial use of the Saint Lawrence Seaway. The tolls are per metric ton of cargo, varying by class of cargo and by specific portion of the Seaway.

House bill

Imposition of tax.—The House bill imposes an excise tax on the use of a U.S. harbor or channel ("port") by a commercial vessel for loading or unloading of commercial cargo. The tax is 0.04 percent (4 cents per $100) on the value of the cargo.

Applicability of tax.—The port use tax does not apply with respect to:

(1) a port on which no Federal funds have been used for construction, operation, or maintenance;

(2) cargo the transportation of which is subject to the inland waterways fuel tax;

(3) cargo when loaded or unloaded at ports in Hawaii or in U.S. possession, or when loaded on a vessel at a U.S. port for ultimate use or consumption in Hawaii or a possession (the tax applies when cargo loaded in Hawaii or a possession is unloaded at a U.S. port);

(4) transportation of passengers;

(5) cargo consisting of fish or other aquatic animal life caught on the voyage;

(6) cargo shipped by the U.S. Government or Federal agencies; and

(7) de minimis transactions, to the extent prescribed in Treasury regulations.

Payment of tax.—The tax is payable by the importer, exporter, or shipper of the cargo. The tax is imposed only once with respect to transportation of any cargo on the same vessel.

Administration of tax.—The port use tax is to be administered and enforced by the U.S. Customs Service in a manner similar to customs duties.

Seaway tolls.—The House bill provides a credit against the port use tax for Saint Lawrence Seaway tolls paid (U.S. portion). The credit for Seaway tolls paid is not to exceed the port use tax liability for the taxable period, but any excess credit may be carried over against any future port use tax liability.

Effective date.—January 1, 1986.

Senate amendment

Port use charge.—The Senate amendment imposes a charge (in the Internal Revenue Code) on the use of a U.S. port by a commercial vessel for loading or unloading of commercial cargo, and on the use of Great Lakes navigation improvements (other than the Saint Lawrence Seaway) for loading, unloading, or transporting commercial cargo. The charge is 0.04 percent (4 cents per $100) on the value of the cargo. Passenger vessels also are subject to the charge, with value generally determined by reference to the prices paid by passengers for their transportation.

Port maintenance charge.—The Senate amendment imposes a charge (in the Internal Revenue Code) of ½ cent per registered ton on the use by commercial vessels of such ports or Great Lakes improvements other than for loading, unloading, or transportation (i.e., for fueling, refitting, repair, etc.). This charge cannot be imposed more than three times per year with respect to a particular vessel.

Applicability of charges.—The port use charge does not apply with respect to:

(1) ports deauthorized prior to 1985, or ports receiving no U.S. funds since 1977;

(2) cargo the transportation of which is subject to the inland waterways fuel tax;

(3) cargo shipped from the U.S. mainland to Alaska, Hawaii, or a U.S. possession for local use, or cargo shipped from Alaska, Hawaii, or a U.S. possession to the U.S. mainland for local use (the charge applies to cargo shipped to or from a foreign country and to shipments of crude oil with respect to Alaska);

(4) short-haul ferrying (if regularly scheduled) of passengers and vehicles between U.S. points or between the United States and Canada or Mexico;

(5) fish or other aquatic animal life caught in voyage by a U.S. vessel, if not previously landed onshore;

(6) cargo shipped by the U.S. Government or Federal agencies;

(7) de minimis transactions, to the extent prescribed by Treasury regulations; and

(8) bonded cargo entering the U.S. for transportation and direct exportation to a foreign country. This exemption does not apply (a) if Canada imposes a similar port use charge or (b) to U.S. ports (or classes of cargo) if the mandated cargo diversion study (see below) shows that the charge is not likely to result in a significant diversion of cargo or that the nonappli-

cability of the charge to a given U.S. port would cause economic harm to another U.S. port.

Payment of charges.—The port use charge is payable the same as under the House bill port use tax. Only one port use tax may be imposed with respect to (1) the transportation of the same cargo on the same vessel, and (2) the loading and unloading of identical cargo at one port. The port maintenance charge is payable by the vessel owner.

Administration of charges.—The port use and port maintenance charges are to be administered and enforced by the U.S. Customs Service in the same manner as provided under the House bill.

Seaway tolls.—The Senate amendment provides for rebates of Saint Lawrence Seaway tolls (U.S. portion), to be paid out of the Trust Fund (see below).

Effective date.—April 1, 1986.

Conference agreement

Port use tax or charge.—The conference agreement follows the House bill, designating the use tax ("harbor maintenance tax") as an excise tx in the Internal Revenue Code. The rate (0.04 percent of the value of the cargo) is the same as in both the House bill and the Senate amendment. The conference agreement provides that the tax applies on use by a commercial vessel of a U.S. port for the loading or unloading of commercial cargo on or from the vessel, but does not include the additional provision in the Senate amendment that would also have applied with respect to use of Great Lakes navigation improvements for transporting cargo.

Port maintenance charge.—The conference agreement does not include the Senate amendment.

Applicability of port use tax.—The conference agreement generally follows the Senate amendment with respect to the application of and exemptions from the tax. The conference agreement includes the following modifications:

(1) the tax does not apply with respect to cargo loaded on a vessel in Alaska, Hawaii, or a U.S. possession and unload in the same State or possession in which loaded;

(2) the fish and aquatic animal exemption is not limited to U.S. vessels; and

(3) the exemption for transportation and direct exportation of bonded cargo also does not apply if Mexico imposes a similar port use tax.

Payment of tax.—The conference agreement follows the House bill and the Senate amendment.

Administration of tax.—The conference agreement follows the House bill and the Senate amendment.

Seaway tolls.—The conference agreement follows the Senate amendment, providing for rebates of Saint Lawrence Seaway tolls (U.S. portion), to be paid out of the Trust Fund (see below).

Effective date.—Under the conference agreement, the port use tax applies to use of ports in loading or unloading of cargo occurring on or after April 1, 1987.

2. Port (Harbor) Trust Fund

Present Law

No provision (see *Present law* under 1., above). There are several existing trust funds financed from earmarked excise taxes.

House bill

Establishment.—The House bill establishes the "Port Infrastructure Development and Improvement Trust Fund" in the Treasury. The statutory provisions for the Trust Fund are placed in the Trust Fund Code of the Internal Revenue Code.

Funding.—The Trust Fund is to receive amounts equivalent to revenues from the new port use tax. Also, the House bill authorizes annual appropriations to the Trust Fund equal to $1 billion less the amounts received from the port use tax revenues for the fiscal year. In addition, the Trust Fund will earn interest on investments of any cash balance.

Expenditures from the Fund.—Amounts in the Trust Fund are to be available, as provided by appropriation Acts, for making expenditures for:

(1) construction, rehabilitation, operation, and maintenance costs (including feasibility studies) for U.S. ports;

(2) construction, rehabilitation, operation, and maintenance costs (including feasibility studies) for Saint Lawrence Seaway ports;

(3) relocation costs for utilities, structures, and other improvements necessary for construction, operation, and maintenance of projects in (1) or (2), above;

(4) payments to a State or local government entity for eligible costs incurred in planning, designing, or construction under section 104 of the bill;

(5) grants under section 113 of the bill (provision of port emergency response services);

(6) grant for construction of a new port office at Morro Bay Harbor, California; and

(7) Treasury Department expenses in administering the port use tax.

Effective date.—January 1, 1986.

Senate amendment

Establishment.—The Senate amendment establishes a "Harbor Maintenance Trust Fund" in the Treasury. The statutory provisions for the Trust Fund are placed in the Trust Fund Code of the Internal Revenue Code.

Funding.—The Trust Fund is to receive amounts equivalent to revenues from the port use and port maintenance charges, and revenues from the U.S. portion of Saint Lawrence Seaway tolls. In addition, the Trust Fund will earn interest on investments of any cash balance.

Expenditures from the Fund.—Amounts in the Trust fund are to be available, as provided by appropriation Acts, for making expenditures for:

(1) up to 40 percent of U.S. harbor (port) operation and maintenance costs (including Great Lakes navigational projects);

(2) 100 percent of eligible Saint Lawrence Seaway operation and maintenance costs; and

(3) rebates of the U.S. portion of Saint Lawrence Seaway tolls to payors.

Effective date.—April 1, 1986.

Conference agreement.

Establishment of Trust Fund.—The conference agreement follows the Senate amendment.

Funding.—The conference agreement generally follows the Senate amendment.

Expenditures from the Trust Fund.—The conference agreement generally follows the Senate amendment, as modified to reflect the Trust Fund expenditure provisions in section 210(a) of the conference agreement. Also, under the conference agreement, the costs of the customs service incurred in administering and collecting the harbor maintenance tax are to be reimbursed from the customs user fee enacted in 1986. In the event such fee is repealed, such costs, not to exceed $5 million annually, are to be reimbursed from the Harbor Maintenance Trust Fund.

Effective date.—April 1, 1987.

3. Studies

House bill

No provision.

Senate amendment

Port use charge and cargo diversion.—The Secretary of the Treasury, in consultation with the Secretaries of the Army and Transportation (and other appropriate Federal agencies) and with representatives of U.S. ports, is to conduct a study to determine the impact of the port use charge of potential diversions of cargo to Canada and Mexico from U.S. ports. The Secretary's report is to be made to the Congress within one year after enactment of the bill.

Saint Lawrence Seaway tolls.—The Secretary of State, in consultation with the Secretary of Transportation, is to initiate discussions with Canada regarding reducing or eliminating all tolls on the Saint Lawrence Seaway and international Great Lakes. The Secretary is to report to the Congress on the progress of such discussions within two years after enactment.

Conference agreement

The conference agreement follows the Senate amendment, with a modification to include Treasury consultation with the U.S. Trade Representative with respect to the port use tax and cargo diversion study.

B. Inland Waterways Fuel Tax and Trust Fund

1. Fuel tax

Present law

Fuel tax rate.—An excise tax of 10 cents per gallon is imposed on diesel and other liquid fuels used by commercial cargo vessels on

designated inland or intracoastal waterways (Code sec. 4042). (The present tax rate was increased from 8 cents per gallon on October 1, 1985, under the rate schedule enacted in 1978). Amounts equivalent to the revenues from the tax are transferred to the Inland Waterways Trust Fund.

Waterways subject to tax.—The tax applies to taxable fuel used on 26 designated inland or intracoastal waterways (including the Mississippi River upstream from Baton Rouge, La., the Mississippi River tributaries, Columbia-Snake Rivers Inland Waterways, and the Gulf and Atlantic Intracoastal Waterways).

House bill

Fuel tax rate.—The House bill does not increase the rate of the inland waterways fuel tax.

Waterways subject to tax.—The House bill adds the Tennessee-Tombigbee Waterway to the list of inland waterways the use of which is subject to the fuel tax.

Effective date.—January 1, 1986.

Senate amendment

Fuel tax rate.—The Senate amendment increases the fuel tax rate by one cent per gallon per year, beginning on January 1, 1988, until the tax reaches 20 cents per gallon on January 1, 1997, and thereafter.

Waterways subject to tax.—The Senate amendment is the same as the House bill.

Effective date.—The increase in the fuel tax rate is effective on January 1, 1988 and January 1 of each year until 1997. The addition of the Tennessee-Tombigbee Waterway to the list of waterways with respect to which the fuel tax applies is effective April 1, 1986.

Conference agreement

Fuel tax rate.—The conference agreement provides that the inland waterways fuel tax is increased to 11 cents per gallon on January 1, 1990, to 13 cents per gallon on January 1, 1991, to 15 cents per gallon on January 1, 1992, to 17 cents per gallon on January 1, 1993, to 19 cents per gallon on January 1, 1994, and to 20 cents per gallon on January 1, 1995, and thereafter.

Waterways subject to tax.—The conference agreement follows the Senate amendment, effective on January 1, 1987.

2. Inland Waterways Trust Fund

Present law

Establishment and funding.—The Inland Waterways Trust Fund was established by section 203 of the Inland Waterways Revenue Act of 1978, and currently is not within the Trust Fund Code of the Internal Revenue Code (Chapter 98). Chapter 98 includes the Black Lung Disability Trust Fund, the Airport and Airway Trust Fund, the Highway Trust Fund, and the Aquatic Resources Trust Fund.

Amounts equivalent to the revenues from the inland waterways fuel excise tax are transferred to the Trust Fund. The Trust Fund also earns interest on investments of any cash balance.

Expenditures from the Fund.—Amounts in the Trust Fund are available, as provided by authorization and appropriations Acts, for making construction and rehabilitation expenditures for navigation on the specified inland and intracoastal waterways, the commercial use of which is subject to the fuel tax.

House bill

Statute.—The House bill places the Inland Waterways Trust Fund in the Trust Fund Code of the Internal Revenue Code. The Trust Fund under the transferred statutory provision is treated as a continuation of the existing Trust Fund.

Expenditures from the Fund.—The House bill retains the general expenditure purposes of the Trust Fund as under present law, subject to the limitation that expenditures from the Trust Fund cannot be used to finance more than (1) one-third of the costs of specified inland waterways lock and dam projects or more than one-sixth of the costs of necessary relocation of pipelines, electricity, or communications cables or lines of related facilities in connection with such projects.

Effective date.—January 1, 1986.

Senate amendment

Statute.—The Senate amendment is the same as the House bill.

Expenditures from the Fund.—The Senate amendment provides that the Trust Fund is to pay, subject to appropriations Acts, one-half the costs (construction, rehabilitation, modification, and post-authorization planning) of certain specified inland waterways lock and dam projects.

Effective date.—April 1, 1986.

Conference agreement

Statute.—The conference agreement follows the House bill and the Senate amendment.

Expenditures from the Trust Fund.—The conference agreement generally follows the Senate amendment, as modified to reflect the Trust Fund expenditure purposes included in title III, section 844, and section 1103(j) of the conference agreement.

Effective date.—January 1, 1987.

From the Committee on Public Works and Transportation, for consideration of the House bill (except Title XV), and the Senate amendment (except Title VIII):

JAMES J. HOWARD,
GLENN M. ANDERSON,
ROBERT A. ROE,
JOHN B. BREAUX,
NORMAN Y. MINETA,
JAMES L. OBERSTAR,
GENE SNYDER,
JOHN PAUL HAMMERSCHMIDT,

From the Committee on Public Works and Transportation, for consideration of the House bill (except Title XV), and the Senate amendment (except Title VIII):

ARLAN STANGELAND
BILL CLINGER,

For consideration of sections 516, 605(b), 752 1110(b), 1159, and 1185 of the House bill, and modifications committed to conference:

HENRY J. NOWAK,

For consideration of the paragraph entitled "Island Creek Basin, West Virginia" of section 301(a), and sections 302 and 813(21) of the House bill, and section 701(a)(1) and (b) of the Senate amendment:

NICK RAHALL,

For consideration of the paragraph entitled "Crown Bay Channel-St. Thomas Harbor, Virgin Islands" of section 102 and section 813(4) of the House bill and section 609(29) of the Senate amendment:

RON DE LUGO,

For consideration of section 536 of the House bill, and modifications committed to conference

DOUGLAS H. BOSCO,

For consideration of the paragraph entitled "Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia" and "Winfield Locks and Dam, Kanawha River, West Virginia" of section 201(a), the paragraph entitled "Cabin Creek West Virginia" of section 501(a), and sections 507, 538, and 1120 of the House bill, and sections 317, 502(2), and 703(g) of the Senate amendment:

BOB WISE,

For the consideration of section 1199E of the House bill and section 333 of the Senate amendment:

E. CLAY SHAW, Jr.,

For consideration of the paragraph entitled "Santa Ana River Mainstem, California" of section 301(a) of the House bill, and section 703(a)(10) of the Senate amendment:

RON PACKARD,

From the Committee on Interior and Insular Affairs, for consideration of the paragraph entitled "Saipan Harbor, Commonwealth of the Northern Mariana Islands" of section 102, sections 814, 1102(c), 1121, 1199B, 1199G and Title XII of the House bill, and sections 219, 223(c), 238, 308, 314, 338, 339, 340, 348, 358, 504, 701(a)(2), and 703(b)(7) of the Senate amendment:

MO UDALL,
GEORGE MILLER,
RON DE LUGO,
DON YOUNG,
DICK CHENEY,

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 109, 110, 112, 113, 115, 116, 605, 1114, 1121, 1122, 1186, 1199E, 1199P, and Titles XIII and XIV of the House bill, and sections 209,

221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(e)(2) and 704 of the Senate amendment:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
BARBARA A. MIKULSKI,
MIKE LOWRY,
BILL HUGHES,
NORMAN F. LENT,

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 109, 110, 112, 113, 115, 116, 605, 1114, 1121, 1122, 1186, 1199E, 1199P, and Titles XIII and XIV of the House bill, and sections 209, 221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(e)(2) and 704 of the Senate amendment:

DON YOUNG,
BOB DAVIS,
WILLIAM CARNEY,
JACK FIELDS,

(In lieu of Mr. Young for consideration of section 1121 of the House bill and section 504 of the Senate amendment.)

From the Committee on Ways and Means, for consideration of Title XV of the House bill, and Title VIII of the Senate amendment:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
JOHN J. DUNCAN,
GUY VANDER JAGT,
BILL FRENZEL.

Managers on the Part of the House.

On behalf of the Committee on Environment and Public Works:

ROBERT T. STAFFORD,
JAMES ABDNOR,
PETE V. DOMENICI,
DAVID DURENBERGER
LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURDICK,

On behalf of the Committee on Finance on Section 606 and Title VIII of the Senate amendment to H.R. 6 and Section 109 and Title XV of H.R. 6:

BOB PACKWOOD,
WILLIAM V. ROTH, Jr.,
JOHN C. DANFORTH,
RUSSELL B. LONG,
SPARK M. MATSUNAGA.

Managers on the Part of the Senate.

○