

Patriot saved many American lives during Desert Storm.

So I just wanted to note a few of these items to indicate that, yes, we have taken the initiative to recommend items over and above that requested by the administration because, in our judgment, we felt these steps had to be taken. With that, once again I congratulate my chairman for having done a tremendous job.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following persons assisting the defense subcommittee be afford the privilege of access to Senate floor during consideration of this bill, S. 1894: Susan Hogan, Darryl Roberson, Candice Rogers, Mike Gilmore. There will be another list I will submit. If I can get consent for all of those, too?

Mr. INOUE. May I add Tina Holmlund to that, too.

Mr. STEVENS. There are others coming, from specific Members. I would like permission to add those.

Mr. REID. Reserving the right to object, I wish to add to the unanimous-consent request a congressional fellow in my office, Bob Perret, who will be here during consideration of the Defense appropriations bill.

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

Mr. STEVENS. If I can inquire of the Senator from Florida how much time he would like to have to make the statement he wishes to make?

Mr. GRAHAM. Mr. President, I request 15 minutes as in morning business, for purposes of introduction of the bill.

Mr. STEVENS. I ask unanimous consent it be in order for the Senator from Florida to proceed as in morning business for 15 minutes, with the provision be allowed to recover the floor when he is completed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. (The remarks of Mr. GRAHAM and Mr. REID pertaining to the introduction of S. 1943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have been asked to perform a couple of tasks for the leader.

COAST GUARD AUTHORIZATION
ACT FOR FISCAL YEAR 1996

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1004) entitled "An Act to authorize appropriations for the United States Coast Guard, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act For Fiscal Year 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Quarterly reports on drug interdiction.

Sec. 104. Ensuring maritime safety after closure of small boat station or reduction to seasonal status.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Hurricane Andrew relief.

Sec. 202. Exclude certain reserves from end-of-year strength.

Sec. 203. Provision of child development services.

Sec. 204. Access to national driver register information on certain Coast Guard personnel.

Sec. 205. Officer retention until retirement eligible.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Foreign passenger vessel user fees.

Sec. 302. Florida Avenue Bridge.

Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.

Sec. 304. Renewal of the Navigation Safety Advisory Council.

Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.

Sec. 306. Nondisclosure of port security plans.

Sec. 307. Maritime drug and alcohol testing program civil penalty.

Sec. 308. Withholding vessel clearance for violation of certain Acts.

Sec. 309. Increased civil penalties.

Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.

Sec. 311. Extension of Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.

Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.

Sec. 403. Electronic filing of commercial instruments.

Sec. 404. Board for correction of military records deadline.

Sec. 405. Judicial sale of certain documented vessels to aliens.

Sec. 406. Improved authority to sell recyclable material.

Sec. 407. Recruitment of women and minorities.

Sec. 408. Limitation of certain State authority over vessels.

Sec. 409. Vessel financing.

Sec. 410. Sense of Congress; requirement regarding notice.

Sec. 411. Special selection boards.

Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.

Sec. 413. Implementation of water pollution laws with respect to vegetable oil.

Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.

Sec. 415. Report on LORAN-C requirements.

Sec. 416. Limited double hull exemptions.

Sec. 417. Oil spill response vessels.

Sec. 418. Offshore facility financial responsibility requirements.

Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.

Sec. 420. Limitation on application of certain laws to Lake Texoma.

Sec. 421. Limitation on consolidation or relocation of Houston and Galveston marine safety offices.

Sec. 422. Sense of the Congress regarding funding for Coast Guard.

Sec. 423. Conveyance of Light Station, Montauk Point, New York.

Sec. 424. Conveyance of Cape Ann Lighthouse, Thachers Island, Massachusetts.

Sec. 425. Amendments to Johnson Act.

Sec. 426. Transfer of Coast Guard property in Gosnold, Massachusetts.

Sec. 427. Transfer of Coast Guard property in New Shoreham, Rhode Island.

Sec. 428. Vessel deemed to be a recreational vessel.

Sec. 429. Requirement for procurement of buoy chain.

Sec. 430. Cruise vessel tort reform.

Sec. 431. Limitation on fees and charges with respect to ferries.

TITLE V—COAST GUARD REGULATORY REFORM

Sec. 501. Short title.

Sec. 502. Safety management.

Sec. 503. Use of reports, documents, records, and examinations of other persons.

Sec. 504. Equipment approval.

Sec. 505. Frequency of inspection.

Sec. 506. Certificate of inspection.

Sec. 507. Delegation of authority of Secretary to classification societies.

TITLE VI—DOCUMENTATION OF VESSELS

Sec. 601. Authority to issue coastwise endorsements.

Sec. 602. Vessel documentation for charity cruises.

Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.

Sec. 604. Documentation of vessel RAINBOW'S END.

Sec. 605. Documentation of vessel GLEAM.

Sec. 606. Documentation of various vessels.

Sec. 607. Documentation of 4 barges.

Sec. 608. Limited waiver for ENCHANTED ISLE and ENCHANTED SEAS.

Sec. 609. Limited waiver for MV PLATTE.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.

Sec. 702. Measurement of vessels.

Sec. 703. Longshore and harbor workers compensation.

Sec. 704. Radiotelephone requirements.

Sec. 705. Vessel operating requirements.

Sec. 706. Merchant Marine Act, 1920.

Sec. 707. Merchant Marine Act, 1956.

Sec. 708. Maritime education and training.

Sec. 709. General definitions.

Sec. 710. Authority to exempt certain vessels.

Sec. 711. Inspection of vessels.

Sec. 712. Regulations.

Sec. 713. Penalties—inspection of vessels.

Sec. 714. Application—tank vessels.

Sec. 715. Tank vessel construction standards.

Sec. 716. Tanker minimum standards.

Sec. 717. Self-propelled tank vessel minimum standards.

Sec. 718. Definition—abandonment of barges.

Sec. 719. Application—load lines.

Sec. 720. Licensing of individuals.

Sec. 721. Able seamen—limited.

Sec. 722. Able seamen—offshore supply vessels.

Sec. 723. Scale of employment—able seamen.

Sec. 724. General requirements—engine department.

Sec. 725. Complement of inspected vessels.

Sec. 726. Watchmen.

Sec. 727. Citizenship and naval reserve requirements.

Sec. 728. Watches.

Sec. 729. Minimum number of licensed individuals.

Sec. 730. Officers' competency certificates convention.

Sec. 731. Merchant mariners' documents required.

Sec. 732. Certain crew requirements.

Sec. 733. Freight vessels.

Sec. 734. Exemptions.

Sec. 735. United States registered pilot service.

Sec. 736. Definitions—merchant seamen protection.

Sec. 737. Application—foreign and intercoastal voyages.

Sec. 738. Application—coastwise voyages.

Sec. 739. Fishing agreements.

Sec. 740. Accommodations for seamen.

Sec. 741. Medicine chests.

Sec. 742. Logbook and entry requirements.

Sec. 743. Coastwise endorsements.

Sec. 744. Fishery endorsements.

Sec. 745. Clerical amendment.

Sec. 746. Repeal of Great Lakes endorsements.

Sec. 747. Convention tonnage for licenses, certificates, and documents.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

Sec. 801. Administration of the Coast Guard Auxiliary.

Sec. 802. Purpose of the Coast Guard Auxiliary.

Sec. 803. Members of the Auxiliary; status.

Sec. 804. Assignment and performance of duties.

Sec. 805. Cooperation with other agencies, States, territories, and political subdivisions.

Sec. 806. Vessel deemed public vessel.

Sec. 807. Aircraft deemed public aircraft.

Sec. 808. Disposal of certain material.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,618,316,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,500,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for per-

sonnel and administrative costs associated with the Bridge Alteration Program, \$16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, \$25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) **MARITIME SAFETY DETERMINATION.**—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) **TRANSITION PLAN REQUIRED.**—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of \$25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

“(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.”

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking “and” after the semicolon

at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting “; and”, and by adding at the end the following new paragraph:

“(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).”

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) **AMENDMENT TO TITLE 14.**—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking “and” after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting “; and”; and

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

“(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.”

(b) **AMENDMENT TO TITLE 49.**—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

“(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.”

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

“(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

“(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

“(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.”

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intra-coastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 2000."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 2000."

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 2000".

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public."

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. Each day of a continuing violation shall constitute a separate violation."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

"2115. Civil penalty to enforce alcohol and dangerous drug testing."

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary."

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary."

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary."

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary."

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking "\$1,000" and inserting "not more than \$25,000".

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "\$1,000" and inserting "not more than \$25,000".

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond three nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking "September 30, 1995" and inserting "October 1, 2000".

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 40 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States

Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10-11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

“(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.”.

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101-225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) This section does not apply to a documented vessel that has been operated only—

“(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

“(2) for pleasure.”.

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period

the following: “, except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant”.

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the “California Cruise Industry Revitalization Act”.

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the “Johnson Act”, is amended by adding at the end the following:

“(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

“(i) that begins and ends in the same State;

“(ii) that is part of a voyage to another State or to a foreign country; and

“(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.”.

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking “or” at the end of 31322(a)(1)(D)(v) and inserting “or” at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

“(vii) a person eligible to own a documented vessel under chapter 121 of this title.”.

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking “or” at the end of 31328(a)(3) and inserting “or” at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

“(5) is a person eligible to own a documented vessel under chapter 121 of this title.”.

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

“(A) the vessel is eligible for documentation under section 12102;

“(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

“(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

“(D) the demise charter is for—

“(i) a period of at least 3 years; or

“(ii) a shorter period as may be prescribed by the Secretary; and

“(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

“(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of

the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

“(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.”.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting “12106(e),” after the word “sections” and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 747. Special selection boards

“(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

“(1) was not considered for selection for promotion by a selection board because of administrative error; or

“(2) was considered for selection for promotion by a selection board but not selected because—

“(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

“(B) the board that considered the officer did not have before it for its consideration material information.

“(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

“747. Special selection boards.”.

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking “mortgage may” and inserting “mortgagee may”;

(2) in paragraph (1) by—

(A) striking “perferred” and inserting “preferred”; and

(B) striking “; and” and inserting a semicolon; and

(3) by adding at the end the following:

“(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

“(A) the remedy is allowed under applicable law; and

“(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).”.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

“(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

“(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

“(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.”.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

- (i) animal fats; and
- (ii) vegetable oils; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking “for a tank vessel,” and inserting “for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996).”.

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking “, in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)” and inserting “the responsible party could be subjected under section 1004(a) or (d) of this Act”.

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

(1) ANIMAL FAT.—The term “animal fat” means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term “vegetable oil” means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

“§6308. Information barred in legal proceedings

“(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

“(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

“6308. Information barred in legal proceedings.”.

SEC. 415. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN-C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN-C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN-C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking “or” at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

“(4) a vessel equipped with a double hull before August 12, 1992;

“(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

“(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).”.

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

“(20a) ‘oil spill response vessel’ means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.”.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) This chapter does not apply to an oil spill response vessel if—

“(1) the vessel is used only in response-related activities; or

“(2) the vessel is—

“(A) not more than 500 gross tons;

“(B) designated in its certificate of inspection as an oil spill response vessel; and

“(C) engaged in response-related activities.”.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

“(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.”.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

“(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.”.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking “and” after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.”.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.”.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(14) oil spill response vessels.”.

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking “applicable State law or” and inserting “applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under”.

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

“(1) IN GENERAL.—

“(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

“(i) used for exploring for, producing, or transporting oil; and

“(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

“(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is \$35,000,000.

“(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed \$150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

“(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

“(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.”

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking “or permitted”; and

(2) by inserting after “day” the following: “or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period”.

(b) Section 8104(e) of title 46, United States Code, is amended by striking “subsections (c) and (d)” and inserting “subsection (d)”.

(c) Section 8104(g) of title 46, United States Code, is amended by striking “(except a vessel to which subsection (c) of this section applies)”.

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term “Lake Texoma” means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term “small passenger vessel” has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine

Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigational aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term “Montauk Light Station” means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper’s dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term “Montauk Lighthouse” means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) **PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.**—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) **DEFINITIONS.**—For purposes of this section, the term “Cape Ann Lighthouse” means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) **CONVEYANCE REQUIREMENT.**—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the “United States Coast Guard Cuttyhunk Boathouse and Wharf”, as described in subsection (c).

(b) **CONDITIONS.**—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) **PROPERTY DESCRIBED.**—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) **REQUIREMENT.**—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) **PROPERTY DESCRIBED.**—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) **INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.**—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New

Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the *LIMITLESS*), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) **REQUIREMENT.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§96. Procurement of buoy chain

“(a) The Coast Guard may not procure buoy chain—

“(1) that is not manufactured in the United States; or

“(2) substantially all of the components of which are not produced or manufactured in the United States.

“(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

“(c) In this section—

“(1) the term ‘buoy chain’ means any chain, cable, or other device that is—

“(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

“(B) not more than 4 inches in diameter; and

“(2) the term ‘manufacture’ includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“96. Procurement of buoy chain.”

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

“(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.”

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

“(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

“(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

“(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

“(3) intentionally inflicted by the manager, agent, master, owner, or operator.”

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

“(c) **LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.**—

“(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

“(2) The provisions of paragraph (1) shall only apply if—

“(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

“(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

“(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.”

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the “Coast Guard Regulatory Reform Act of 1995”.

SEC. 502. SAFETY MANAGEMENT.

(a) **MANAGEMENT OF VESSELS.**—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

“CHAPTER 32—MANAGEMENT OF VESSELS

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

“§3201. Definitions

“In this chapter—

“(1) ‘International Safety Management Code’ has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

“(2) ‘responsible person’ means—

“(A) the owner of a vessel to which this chapter applies; or

“(B) any other person that has—

“(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

“(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

“(3) ‘vessel engaged on a foreign voyage’ means a vessel to which this chapter applies—

“(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

“(B) making a voyage between places outside the United States; or

“(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

“§ 3202. Application

“(a) **MANDATORY APPLICATION.**—This chapter applies to the following vessels engaged on a foreign voyage:

“(1) Beginning July 1, 1998—

“(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

“(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

“(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

“(b) **VOLUNTARY APPLICATION.**—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

“(c) **EXCEPTION.**—Except as provided in subsection (b) of this section, this chapter does not apply to—

“(1) a barge;

“(2) a recreational vessel not engaged in commercial service;

“(3) a fishing vessel;

“(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

“(5) a public vessel.

“§ 3203. Safety management system

“(a) **IN GENERAL.**—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

“(1) a safety and environmental protection policy;

“(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

“(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

“(4) procedures for reporting accidents and nonconformities with this chapter;

“(5) procedures for preparing for and responding to emergency situations; and

“(6) procedures for internal audits and management reviews of the system.

“(b) **COMPLIANCE WITH CODE.**—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

“§ 3204. Implementation of safety management system

“(a) **SAFETY MANAGEMENT PLAN.**—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

“(b) **APPROVAL.**—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

“(c) **PROHIBITION ON VESSEL OPERATION.**—A vessel to which this chapter applies under section 3202(a) may not be operated without having

on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

“§ 3205. Certification

“(a) **ISSUANCE OF CERTIFICATE AND DOCUMENT.**—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

“(b) **MAINTENANCE OF CERTIFICATE AND DOCUMENT.**—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

“(c) **VERIFICATION OF COMPLIANCE.**—The Secretary shall—

“(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

“(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

“(d) **ENFORCEMENT.**—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.”

(b) **CLERICAL AMENDMENT.**—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

“32. Management of vessels 3201”.

(c) **STUDY.**—

(1) **STUDY.**—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) **REPORT.**—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) **REPORTS, DOCUMENTS, AND RECORDS.**—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

“§ 3103. Use of reports, documents, and records

“The Secretary may rely, as evidence of compliance with this subtitle, on—

“(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

“(2) other methods the Secretary has determined to be reliable.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

“3103. Use of reports, documents, and records.”

(c) **EXAMINATIONS.**—Section 3308 of title 46, United States Code, is amended by inserting “or have examined” after “examine”.

SEC. 504. EQUIPMENT APPROVAL.

(a) **IN GENERAL.**—Section 3306(b) of title 46, United States Code, is amended to read as follows:

“(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

“(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

“(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

“(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

“(C) for lifesaving equipment, the foreign government—

“(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

“(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.”

(b) **FOREIGN APPROVALS.**—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) **TECHNICAL AMENDMENT.**—Section 3306(a)(4) of title 46, United States Code, is amended by striking “clauses (1)–(3)” and inserting “paragraphs (1), (2), and (3)”.

SEC. 505. FREQUENCY OF INSPECTION.

(a) **FREQUENCY OF INSPECTION, GENERALLY.**—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “nautical school vessel” and inserting “, nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage”; and

(B) by adding “and” after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking “2 years” and inserting “5 years”.

(b) **CONFORMING AMENDMENT.**—Section 3710(b) of title 46, United States Code, is amended by striking “24 months” and inserting “5 years”.

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking “(but not more than 60 days)”.

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) **AUTHORITY TO DELEGATE.**—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

“(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection required by this part;

“(B) conduct inspections and examinations; and

“(C) issue a certificate of inspection required by this part and other related documents.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

“(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

“(B) if the foreign classification society has offices and maintains records in the United States.”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

“§3316. Classification societies”.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

“3316. Classification societies.”.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

“(g) A coastwise endorsement may be issued for a vessel that—

“(1) is less than 200 gross tons;

“(2) is eligible for documentation;

“(3) was built in the United States; and

“(4) was—

“(A) sold foreign in whole or in part; or

“(B) placed under foreign registry.”.

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the “owner”), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL MV TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking “1995” and inserting “1996”; and

(2) in paragraph (4), by striking “12” and inserting “24”.

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X-53-109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087-84B) and ENCHANTED SEAS (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

“(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).”.

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting “power-driven” after “Secretary, a”;

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after “masthead light forward”; by striking “except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;”;

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

“(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

“(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

“(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

“(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.”;

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking “a vessel of less than 20 meters in length may instead of this shape exhibit a basket;” and

(B) by amending subsection (d) to read as follows:

“(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.”; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

“(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.”.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

“(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.”.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after “1,600 tons gross” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after “one hundred gross tons” the following “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after “300 gross tons” the following: “as measured under section 14502 of title 46,

United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883-1), is amended by inserting after “five hundred gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after “five hundred gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after “1,000 gross tons or more” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after “15 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(2) in paragraph (13a), by inserting after “3,500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(3) in paragraph (19), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(4) in paragraph (22), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(5) in paragraph (30)(A), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(6) in paragraph (32), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(7) in paragraph (33), by inserting after “300 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(8) in paragraph (35), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(9) in paragraph (42), by inserting after “100 gross tons” each place it appears, the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after “at least 100 gross tons but less than 300 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”; and

(2) in paragraph (5), by inserting after “at least 100 gross tons but less than 500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after “5,000 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(2) in subsection (c)(2), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(3) in subsection (c)(3), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(4) in subsection (c)(4)(A), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(5) in subsection (d)(1), by inserting after “150 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(6) in subsection (i)(1)(A), by inserting after “300 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”; and

(7) in subsection (j), by inserting after “15 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after “at least 100 gross tons but less than 300 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”; and

(2) in subsection (i), by inserting after “at least 100 gross tons but less than 500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section

tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of

that title as prescribed by the Secretary under section 14104 of that title".

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 737. APPLICATION—FOREIGN AND INTER-COASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and
(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking ", as if from or to foreign ports".

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§7506. Convention tonnage for licenses, certificates, and documents

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service."

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents."

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

"§821. Administration of the Coast Guard Auxiliary

"(a) The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

"(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

"(2) section 2733 of title 10 (popularly known as the Military Claims Act);

“(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

“(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

“(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

“(6) other matters related to noncontractual civil liability.

“(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

“821. Administration of the Coast Guard Auxiliary.”

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

“§822. Purpose of the Coast Guard Auxiliary

“The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

“822. Purpose of the Coast Guard Auxiliary.”

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding “, and status” after “enrollments”;

(2) by inserting “(a)” before “The Auxiliary”; and

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

“(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

“(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

“(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

“(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

“(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

“(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

“(6) Other matters related to noncontractual civil liability.

“(7) Compensation for work injuries under chapter 81 of title 5.

“(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees’ Claims Act of 1964).

“(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

“823. Eligibility, enrollments, and status.”

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking “specific”.

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking “specific” each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking “specific” each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

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

“§141. Cooperation with other agencies, States, territories, and political subdivisions”;

(2) in the first sentence of subsection (a), by inserting after “personnel and facilities” the following: “(including members of the Auxiliary and facilities governed under chapter 23)”; and

(3) by adding at the end of subsection (a) the following new sentence: “The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

“141. Cooperation with other agencies, States, territories, and political subdivisions.”

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

“§827. Vessel deemed public vessel

“While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.”

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

“§828. Aircraft deemed public aircraft

“While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.”

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after “with or without charge,” the following: “to the Coast Guard Auxiliary, including any incorporated unit thereof.”; and

(2) by striking “to any incorporated unit of the Coast Guard Auxiliary.”

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The Chair appointed from the Committee on Commerce Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUE, Mr. FORD, Mr. KERRY of Massachusetts, Mr. BREAUX, Mr. DORGAN and Mr. WYDEN, from the

Committee on Environment and Public Works for all Oil Pollution Act issues under their jurisdiction Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN and Mrs. BOXER conferees on the part of the Senate.

WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 227, S. 640.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 1995”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.

Sec. 102. Project modifications.

Sec. 103. Project deauthorizations.

Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

Sec. 201. Heber Springs, Arkansas.

Sec. 202. Morgan Point, Arkansas.

Sec. 203. White River Basin Lakes, Arkansas and Missouri.

Sec. 204. Central and southern Florida.

Sec. 205. West Palm Beach, Florida.

Sec. 206. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.

Sec. 207. Sardis Lake, Mississippi.

Sec. 208. Libby Dam, Montana.

Sec. 209. Small flood control project, Malta, Montana.

Sec. 210. Cliffwood Beach, New Jersey.

Sec. 211. Fire Island Inlet, New York.

Sec. 212. Buford Trenton Irrigation District, North Dakota and Montana.

Sec. 213. Wister Lake project, LeFlore County, Oklahoma.

Sec. 214. Willamette River, McKenzie Subbasin, Oregon.

Sec. 215. Abandoned and wrecked barge removal, Rhode Island.

Sec. 216. Providence River and Harbor, Rhode Island.

Sec. 217. Cooper Lake and Channels, Texas.

Sec. 218. Rudee Inlet, Virginia Beach, Virginia.

Sec. 219. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

Sec. 301. Cost-sharing for environmental projects.

Sec. 302. Collaborative research and development.

Sec. 303. National inventory of dams.

Sec. 304. Hydroelectric power project uprating.

Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.

- Sec. 306. Cost-sharing for removal of existing project features.
- Sec. 307. Termination of technical advisory committee.
- Sec. 308. Conditions for project deauthorizations.
- Sec. 309. Participation in international engineering and scientific conferences.
- Sec. 310. Research and development in support of Army civil works program.
- Sec. 311. Interagency and international support authority.
- Sec. 312. Section 1135 program.
- Sec. 313. Environmental dredging.
- Sec. 314. Feasibility studies.
- Sec. 315. Obstruction removal requirement.
- Sec. 316. Levee owners manual.
- Sec. 317. Risk-based analysis methodology.
- Sec. 318. Sediments decontamination technology.
- Sec. 319. Melaleuca tree.
- Sec. 320. Faulkner Island, Connecticut.
- Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
- Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
- Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
- Sec. 324. Arkabutla Dam and Lake, Mississippi.
- Sec. 325. New York State canal system.
- Sec. 326. Quonset Point-Davisville, Rhode Island.
- Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
- Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
- Sec. 329. Capital improvements for the Washington Aqueduct.
- Sec. 330. Chesapeake Bay environmental restoration and protection program.
- Sec. 331. Research and development program to improve salmon survival.
- Sec. 332. Recreational user fees.
- Sec. 333. Shoreline erosion control demonstration.
- Sec. 334. Technical corrections.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

- (1) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of \$27,200,000, with an estimated Federal cost of \$17,700,000 and an estimated non-Federal cost of \$9,500,000.
- (2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$16,100,000, with an estimated Federal cost of \$8,100,000 and an estimated non-Federal cost of \$8,000,000 and the habitat restoration, at a total cost of \$4,050,000, with an estimated Federal cost of \$3,040,000 and an estimated non-Federal cost of \$1,010,000.
- (3) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of \$5,720,000, with an estimated Federal cost of \$4,580,000 and an estimated non-Federal cost of \$1,140,000.
- (4) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210,

over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of \$15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(5) ILLINOIS SHORELINE EROSION, INTERIM III, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for storm damage reduction and shoreline erosion protection from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000, and the breakwater near the South Water Filtration Plant, a separable element of the project at a total cost of \$8,539,000, with an estimated Federal cost of \$5,550,000 and an estimated non-Federal cost of \$2,989,000. The operation, maintenance, repair, replacement, and rehabilitation of the project after construction shall be the responsibility of the non-Federal interests.

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

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

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(7) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

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

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

(10) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of \$17,200,000, with an estimated Federal cost of \$12,900,000 and an estimated non-Federal cost of \$4,300,000.

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

(12) WILMINGTON HARBOR, CAPE FEAR-NORTH-EAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$23,290,000, with an estimated Federal cost of \$16,955,000 and an estimated non-Federal cost of \$6,335,000.

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

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

(15) COOS BAY, OREGON.—The project for navigation, Coos Bay, Oregon: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$14,541,000, with an estimated Federal cost of \$10,777,000 and an estimated non-Federal cost of \$3,764,000.

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

(17) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of \$23,680,000, with an estimated Federal cost of \$20,341,000 and an estimated non-Federal cost of \$3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(18) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$257,900,000. The construction costs of the project shall be paid—

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

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

SEC. 102. PROJECT MODIFICATIONS.

(a) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is \$102,600,000, with an estimated Federal cost of \$64,120,000 and an estimated non-Federal cost of \$38,480,000.

(b) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89-298; 79 Stat.

1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962a-5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

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

(c) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

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

(e) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of \$34,800,000, with an estimated Federal cost of \$20,774,000 and an estimated non-Federal cost of \$14,026,000.

(f) ARKANSAS CITY, KANSAS.—The project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated June 1994, at a total cost of \$35,700,000, with an estimated Federal cost of \$26,600,000 and an estimated non-Federal cost of \$9,100,000.

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

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

(i) MANISTIQUE HARBOR, MICHIGAN.—

(1) SAND AND STONE CAP.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and

harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls, in accordance with an administrative order of the Environmental Protection Agency.

(2) PROJECT DEPTH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the project described in paragraph (1) is modified to provide for an authorized depth of 18 feet.

(B) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in paragraph (1) will be placed within the following coordinates: 4220N-2800E to 4220N-3110E to 3980N-3260E to 3190N-3040E to 2960N-2560E to 3150N-2300E to 3680N-2510E to 3820N-2690E and back to 4220N-2800E.

(3) HARBOR OF REFUGE.—The project described in paragraph (1), including the breakwalls, pier, and authorized depth of the project (as modified by paragraph (2)), shall continue to be maintained as a harbor of refuge.

(j) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4861) for the purpose of evaluating the Federal interest in construction of the project for flood control and determining the most feasible alternative. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the most feasible alternative at a total cost of not to exceed \$11,600,000. The Federal share of the cost shall be 75 percent.

(k) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4118-4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of \$44,700,000, with an estimated Federal cost of \$32,600,000 and an estimated non-Federal cost of \$12,100,000.

(l) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of \$50,921,000, with an estimated Federal cost of \$25,128,000 and an estimated non-Federal cost of \$25,793,000.

(m) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000.

(n) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of \$350,000, with an estimated Federal cost of \$262,500 and an estimated non-Federal cost of \$87,500.

(o) INDIA POINT BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for the removal and demolition of the India Point

Railroad Bridge, Seekonk River, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4258), is modified to authorize the Secretary to demolish and remove the center span of the bridge, at a total cost of \$1,300,000, with an estimated Federal cost of \$650,000, and an estimated non-Federal cost of \$650,000.

(p) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89-298; 79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of section 104(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2214(c)), the Secretary shall credit the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the Central Wastewater Treatment Plant against the non-Federal share of the cost of the project or any revision of the project.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining the amount, the Secretary shall include only the costs of such work performed by the non-Federal interests as is—

(A) compatible with the project described in paragraph (1) or any revision of the project; or

(B) required for construction of the project or any revision of the project.

(3) CASH CONTRIBUTION.—Nothing in this subsection limits the applicability of the requirement specified in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project described in paragraph (1).

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

(r) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of \$12,370,000, with an estimated Federal cost of \$8,220,000 and an estimated non-Federal cost of \$4,150,000.

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

(t) HAYSI LAKE, VIRGINIA AND KENTUCKY.—The Secretary shall expedite completion of the flood damage reduction plan for the Levisa Fork Basin in Virginia and Kentucky, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96-367; 94 Stat. 1339), in a manner that is consistent with the Haysi Lake component of the plan for flood control and associated water resource features identified by the non-Federal interests.

(u) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law

101-640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed \$26,600,000, with an estimated Federal cost of \$19,195,000 and an estimated non-Federal cost of \$7,405,000.

(v) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4176) is amended—

(1) by striking "Secretary: Provided, That" and inserting the following: "Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to perform operation and maintenance for the project on a cost-reimbursable basis. The";

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

(3) by inserting a comma after "materials".

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85-500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, 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 July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(b) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Stuce Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Stuce Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(c) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled "An Act authorizing the con-

struction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

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

(d) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, 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 August 30, 1935 (49 Stat. 1029), are deauthorized:

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

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(e) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the "River and Harbor Act of 1910"), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

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

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(f) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86-645; 74 Stat. 480), are deauthorized:

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

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

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

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

(i) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFER OF PROPERTY.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (B), including all works, structures, and other improvements on the lands.

(B) LAND DESCRIPTION.—The lands to be transferred pursuant to subparagraph (A) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

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

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(C) TERMS AND CONDITIONS.—The transfer under subparagraph (A) shall be made on the

condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(D) DEADLINES.—Not later than July 1, 1996, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this paragraph. The offer shall provide for the transfer to be made in the period beginning on November 1, 1996, and ending on December 31, 1996.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in paragraph (1) until the date of the transfer under this paragraph.

SEC. 104. STUDIES.

(a) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 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. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

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

(c) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(d) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 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. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(e) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(f) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(g) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West

Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(h) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

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

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(i) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

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

(k) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

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

(m) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

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

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

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

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

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(n) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

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

(p) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow

in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

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

(r) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(s) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—The Secretary shall—

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

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

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

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

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

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

(ii) including recommended options for the stabilization and restoration of the areas.

(t) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. HEBER SPRINGS, ARKANSAS.

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

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

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

SEC. 202. MORGAN POINT, ARKANSAS.

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

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

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

SEC. 203. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 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 June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 204. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of \$121,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 205. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 206. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

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

SEC. 207. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to

the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 208. LIBBY DAM, MONTANA.

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

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

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

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

SEC. 209. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

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

SEC. 210. CLIFFWOOD BEACH, NEW JERSEY.

(a) IN GENERAL.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

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

SEC. 211. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 212. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE $\frac{1}{4}$ of section 17, T-152-N, R-104-W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the Buford Trenton Irrigation District described in subparagraph (A) that has been affected by rising ground water and surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands subject to the easements. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands prior to being affected by rising ground water and surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary may—

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

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

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

SEC. 213. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 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 June 28, 1938 (52 Stat. 1218). Notwithstanding title 1 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 214. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 215. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

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

"(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of \$1,900,000, with an estimated Federal cost of \$1,425,000, and an estimated non-Federal cost of \$475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States."

SEC. 216. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

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

SEC. 217. COOPER LAKE AND CHANNELS, TEXAS.

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

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

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

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under

subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 218. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 219. VIRGINIA BEACH, VIRGINIA.

Notwithstanding any other law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4136), shall be reduced by \$3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

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

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

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

(3) by adding at the end the following:

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

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

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

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

“(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

“(A) the date on which the Secretary enters into such an agreement with respect to the information; or

“(B) the last day of the 2-year period beginning on the date of the determination.

“(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of

a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.”

SEC. 303. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92-367 (33 U.S.C. 4671) is amended by striking the second sentence and inserting the following: “There are authorized to be appropriated to carry out this section \$500,000 for each fiscal year.”

SEC. 304. HYDROELECTRIC POWER PROJECT UPGRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary is authorized to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).

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

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

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

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

(2) specify—

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

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a

non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

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

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

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

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking “(b) PUBLIC PARTICIPATION.—”;

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

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

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

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

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

(3) in the last sentence, by inserting “the planning, design, or” before “construction”.

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

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

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

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

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

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

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

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

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

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

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) *IN GENERAL.*—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) *FUNDING.*—There are authorized to be appropriated \$1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

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

(1) in subsection (a), by inserting before the period at the end the following: “and to determine if the operation of the projects has contributed to the degradation of the quality of the environment”;

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

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

(4) by inserting after subsection (b) the following:

“(c) *MEASURES TO RESTORE ENVIRONMENTAL QUALITY.*—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

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

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

(c) *LOWER AMAZON CREEK RESTORATION, OREGON.*—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

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

SEC. 314. FEASIBILITY STUDIES.

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

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

(2) by inserting after the first sentence the following: “During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).”; and

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

(b) *APPLICABILITY.*—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

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

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

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

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

(1) in subsection (a)—

(A) by striking “Under emergency” and inserting “SUMMARY REMOVAL PROCEDURES.—Under emergency”; and

(B) by striking “expense” the first place it appears and inserting “actual expense, including administrative expenses.”;

(2) in subsection (b)—

(A) by striking “cost” and inserting “actual cost, including administrative costs.”; and

(B) by striking “(b) The” and inserting “(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The”;

(3) by inserting after subsection (a) the following:

“(b) *REMOVAL REQUIREMENT.*—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).”.

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 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 adding at the end the following:

“(c) *LEVEE OWNERS MANUAL.*—

“(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

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

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

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

“(A) *MAINTENANCE AND UPKEEP.*—The term ‘maintenance and upkeep’ means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

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

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

“(ii) does not include—

“(I) any improvement to the structure; or

“(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

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

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

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

(1) the relationship between—

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

(B) minimum engineering and safety standards;

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

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

(b) *TASK FORCE.*—

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

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

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

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

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

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

(3) *COMPENSATION.*—

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

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

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

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

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

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

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

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: "The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day."; and

(B) by adding at the end the following:

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

(2) in subsection (c)—

(A) by striking "\$5,000,000" and inserting "\$10,000,000"; and

(B) by striking "1992" and inserting "1996".

SEC. 319. MELALEUCA TREE.

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

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

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

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

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

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mex-

ico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

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

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

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed \$1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

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

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is \$14,000,000, with an estimated Federal cost of \$7,000,000 and an estimated non-Federal cost of \$7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term "New York State canal system" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

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

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

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

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

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4855) is amended by striking "1993 and 1994" and inserting "1995 and 1996".

SEC. 329. CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.

(a) AUTHORIZATIONS.—

(1) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may

be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under subsection (b).

(b) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(1) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with paragraphs (2) and (3), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under subsection (a). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(2) OFFSETTING OF RISK OF DEFAULT.—Each contract under paragraph (1) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(3) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(B) provide the United States priority over all other creditors; and

(C) include other conditions that the Secretary of the Treasury determines to be appropriate.

(c) BORROWING AUTHORITY.—Subject to an appropriation under subsection (a)(2) and after entering into a series of contracts under subsection (b), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under subsection (a)(2).

(d) DEFINITIONS.—In this section:

(1) PUBLIC WATER SUPPLY CUSTOMER.—The term "public water supply customer" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(2) VALUE TO THE GOVERNMENT.—The term "value to the Government" means the net present value of a contract under subsection (b) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of the Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(3) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the water supply system of treatment plants, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) **FORM.**—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) **LOCAL COOPERATION AGREEMENT.**—

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

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

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.**—

(1) **IN GENERAL.**—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) **COOPERATION.**—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) **DEMONSTRATION PROJECT.**—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) **SALMON SURVIVAL ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) **ACCELERATED ACTIVITIES.**—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) **ADDITIONAL ACTIVITIES.**—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) **COORDINATION.**—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) **ADVANCED TURBINE DEVELOPMENT.**—

(1) **IN GENERAL.**—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of "fish-friendly" turbines, for use on the Columbia River hydro system.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$12,000,000 to carry out this subsection.

(c) **IMPLEMENTATION.**—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) **IN GENERAL.**—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the period at the end the following: "and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected".

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) **NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

"SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

"(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—The erosion control program shall include provisions for—

"(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

"(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

"(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

"(D) technology transfers to private property owners and State and local entities.

"(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

"(A) the development and demonstration of innovative technologies;

"(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

"(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

"(D) the avoidance of negative impacts to adjacent shorefront communities;

"(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

"(F) the potential for long-term protection afforded by the technology; and

"(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93-251; 42 U.S.C. 1962d-5 note), including—

"(i) adequate consideration of the subgrade;

"(ii) proper filtration;

"(iii) durable components;

"(iv) adequate connection between units; and

"(v) consideration of additional relevant information.

“(3) SITES.—

“(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

“(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

“(i) a variety of geographical and climatic conditions;

“(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

“(iii) the rate of erosion;

“(iv) significant natural resources or habitats and environmentally sensitive areas; and

“(v) significant threatened historic structures or landmarks.

“(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

“(i) the Atlantic, Gulf, and Pacific coasts;

“(ii) the Great Lakes; and

“(iii) the State of Alaska.

“(d) COOPERATION.—

“(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

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

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

“(C) private organizations;

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

“(E) university research facilities.

“(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

“(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

“(f) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

“(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.”

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking “section 3” and inserting “section 3 or 5”.

SEC. 334. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking “(8662)” and inserting “(8862)”.

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking “(8662)” and inserting “(8862)”.

Mr. CHAFEE. Mr. President, today the Senate will consider S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of

water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995.

Since that time, additional project and policy requests have been presented to the committee. Some have come from our Senate colleagues—many have come from the administration.

We have carefully reviewed each such request and include those that are consistent with the committee's criteria in the manager's amendment being considered along with S. 640 today. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the committee to judge project authorization requests.

On November 17, 1986, almost 10 years ago, President Reagan enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization. Since 1993, the committee has received more than 250 project and study requests totaling an estimated \$6.5 billion.

This legislation authorizes the Secretary of the Army to construct 32 projects for flood control, port development, inland navigation, storm damage reduction and environmental restoration. The bill also modifies 39 existing Army Corps projects, authorizes 27

project studies, and eliminates portions of 15 projects from consideration for future funding.

Also included are other project-specific and general provisions related to Army Corps operations. Among them is a provision to authorize borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct water treatment facility. In total, this bill authorizes an estimated Federal cost of \$3.3 billion.

Mr. President, S. 640 contains important policy changes. First, we have included a provision proposed by the administration to clarify the cost-sharing for dredged material disposal associated with the operation and maintenance of Federal channels.

Currently, Federal and non-Federal responsibilities for construction of dredged material disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal.

For some projects, the costs of providing dredged material disposal facilities are all Federal. For others, the non-Federal sponsor bears the entire cost of constructing disposal facilities. This arrangement is inequitable for numerous ports.

In addition, the failure to identify economically and environmentally acceptable disposal options has reduced operations and increased cargo costs in many port cities. Regrettably, this is the case for the Port of Providence in Rhode Island.

Under this provision, the costs of constructing dredged material disposal facilities will be shared in accordance with the cost-sharing formulas established for general navigation features by section 101(a) of the 1986 Water Resources Development Act. This would apply to all methods of dredged material disposal including open water, upland and confined.

We have also expanded section 1135 of the 1986 Act in this bill. Currently, section 1135 authorizes the Secretary of the Army to review the structure and operation of existing projects for possible modifications—at the project itself—which will improve the quality of the environment. The 1986 act authorizes a \$5 million Federal cost-sharing cap for each such project and a \$25 million annual cap for the entire program.

The provision included in this bill does not increase the existing dollar limits. Instead, it authorizes the Secretary to implement small fish and wildlife habitat restoration projects in cooperation with non-Federal interests in those situations where mitigation is required off of project lands.

Third, we have included a provision to shift certain dam safety responsibilities from the Army Corps to the Federal Emergency Management Agency [FEMA]. This change, proposed by Senator BOND and supported by the two agencies, authorizes a total of \$22 million over 5 years for FEMA to conduct

dam safety inspections and to provide technical assistance to the States.

Also included here is a provision which addresses the administration's proposal to discontinue Army Corps involvement with shore protection projects. The provision amends existing law to specifically include beach protection, restoration and renourishment among shoreline protection activities traditionally performed by the Army Corps. I plan to work with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.

Mr. President, this legislation includes Everglades restoration provisions. On June 11 of this year, the administration submitted its proposal to restore and protect the Everglades.

While I join Senators MACK, GRAHAM and many others in support of Army Corps efforts to reverse damage done to this important natural resource, I was unable to support certain elements of the administration's proposal.

In particular, I am unable to endorse a blanket authorization for future projects needed to restore water flows and water quality. It is not responsible to leap blindly into this important initiative, by authorizing unlimited funding, without knowing what the overall costs will be.

Instead, we have provided an expedited process for project development, consistent with all applicable laws and regulations, that will preserve the current momentum for restoration. I look forward to working with the Florida delegation and the administration on this initiative as the bill advances.

Finally, Mr. President, let me state clearly that a provision submitted by the administration to modify cost-sharing for the construction of flood control projects has not been included.

In summary, the administration has proposed that the current cost-sharing ratio of 75 percent Federal and 25 percent non-Federal be changed to an even 50-50 cost-share.

This proposal has been made for budgetary reasons. However, we have not been presented with any estimates on resulting budget savings in the out-years. We do not know how much money, if any, this proposal would save in the long run.

Moreover, we do not know what impact this cost-sharing change would have on the flood control program. While I support the general notion of increasing non-Federal involvement for these types of projects, I cannot support this significant change to the 1986 act without knowing the long-range effects.

Mr. President, this legislation is vitally important for countless States and communities across the country.

For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment.

Despite the fact that this package represents a 4-year backlog of project

authorizations, it is consistent with the overall funding levels authorized in previous water resources measures.

I urge my colleagues to support the bill.

Mr. BAUCUS. Mr. President, the Senate is about to consider the Water Resources Development Act of 1996. This is an important bill. A great deal of work has been done to get this legislation to the floor today. Everyone involved in this process has been diligent in assuring that only worthy projects are included. Sound criteria have been consistently applied so that each project has a Federal interest and a good benefit to cost ratio.

But I have a larger concern about this bill. It is the issue of our spending priorities. Briefly stated, at a time when we are trying to cut spending in order to balance the budget, we should not be authorizing so much new spending on water resource projects.

This legislation authorizes more than \$3.3 billion in new Federal spending. And while investing in our infrastructure, including navigation, flood control, coastal and storm protection, is important, it is not the only demand being made on our taxpayers.

We are in the midst of one of the most critical balancing acts in our Nation's history—balancing the budget. We are facing some very tough choices. The question facing us is whether modernizing an existing lock is more important than protecting Medicare, or whether deepening an existing channel will be of greater benefit to the people of this country than promoting education programs?

Less than a month ago, the Senate passed a budget resolution that would cut funding for the Army Corps of engineers by nearly \$1 billion over the next 5 years. Yet this bill adds more than \$3 billion in new spending for the corps.

How can we ever get the budget in balance if we continue to say yes to projects we do not have the money to build? How will we ever get to balance if one day we vote to cut spending and the next day we vote to increase spending?

In my judgment, while the projects in this bill are largely worthy ones, we simply cannot afford them.

FINDING A SOLUTION TO THE FLOODING OF THE JAMES RIVER IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State. This flooding has cost South Dakota producers millions of dollars in lost revenue and greatly diminished the value of their land by washing away valuable topsoil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been exacerbated by the James River management policy of the U.S. Army Corps of Engineers.

Mr. President, it is unfair and unacceptable to ask producers to continue

to bear economic losses that could be mitigated by a more reasonable corps river management policy. In recognition of this fact, I recently introduced legislation that, among other things, would ensure that South Dakotans are included in the revision process of the Jamestown dam and Pipestem dam operations manuals. By assuring consideration of down river interests in South Dakota, this legislation would provide landowners along the James River with a measure of security against future high water flows and induce the Federal Government to assume greater responsibility for the damaging effects of its river management policies.

Specifically, this legislation would give landowners the opportunity to sell easements on their land to the U.S. Army Corps of Engineers if they so desire. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

It was my intention to attach this legislation to the Water Resources Development Act, which was developed by the Senate Environment and Public Works Committee. While receptive to this approach, the committee expressed its desire to allow the corps to examine a range of solutions, including structural and nonstructural efforts, to reduce the flooding and/or mitigate the damage suffered by landowners. I appreciate the desire to examine all options before settling on a final solution, as long as this evaluation is accomplished in a reasonable period of time and includes a review of the use of easements.

During committee deliberations, Senator PRESSLER objected to the inclusion of language explicitly directing the corps to evaluate the purchase of easements from willing sellers. While I would have preferred to include such language in the bill, the compromise provision directs the corps to examine all options, including the purchase of easements from willing sellers. It is my expectation and understanding that the corps will assess the feasibility of allowing South Dakotans to sell easements, and thus gain some financial relief, as one means of mitigating the damage caused by the flooding, as part of its evaluation of structural and nonstructural solutions to the flooding and its associated damage.

The Water Resources Development Act should set in motion a process that will lead to the corps providing relief to landowners affected by the frequent flooding of the James River in South Dakota. This problem will only be solved through a number of actions, including, I hope, both allowing the landowners along the river to sell easements to the corps and changing the

overall management of the Jamestown and Pipestem dams. I will continue to urge the corps to take seriously the concerns of South Dakotans as this process continues.

Mr. WARNER. Mr. President, I wish to discuss a specific provision in the Water Resources Development Act of 1996 which addresses the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal Government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a boil-water order in December 1993 for the Metropolitan Washington region. There was significant concern that the water supply for the Nation's Capital was contaminated. Thankfully, extensive testing conducted by the EPA and independent authorities concluded equipment failure followed by human error affected the results of the water quality testing. While, there was no contamination, it was a loud wake-up call for the region.

I commend the Environmental Protection Agency for their precautionary steps and quick response to this situation. This incident brought to light the significant capital improvements that are needed at the facility to meet current Federal drinking water standards.

While the Washington Aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government and it is critical to providing services to the Congress and other Federal facilities in the region. Since 1853, all activities relating to the maintenance and operation of the system have been administered by the U.S. Army Corps of Engineers.

In an effort to accelerate the needed capital improvements to the system, I authored legislation to grant the Corps of Engineers access to borrowing from the Treasury to underwrite the cost of these improvements. This approach did not relieve the local water customers of any of their existing responsibilities. The customers of the Washington Aqueduct—the District of Columbia, and the Virginia jurisdictions of Arlington and Falls Church—would continue to bear all the costs of these improvements through higher water rates. This additional revenue would be used to repay the loans from the Treasury over a reasonable period of time.

Mr. President, that is a description of my earlier proposal to respond to the situations at the Washington Aqueduct. I regret that in the 2 years that I have been pursuing this approach the administration continues to oppose this solution. The administration's proposal is simply to dispose of this antiquated facility.

I strongly reject that position because it fails to address any of the legitimate issues at hand. First, I believe the Federal Government has a respon-

sibility to ensure an uninterrupted, safe supply of drinking water to the Federal community, including the Congress. Second, if the corps and the customers decide to explore the potential for non-Federal ownership, we must devise a workable approach that enables the capital improvement program to go forward.

Although I have serious reservations about transferring ownership to a non-Federal entity because of the potential to expose the system to terrorist actions, I want to move forward with modernizing the system. This legislation ensures that critically needed capital improvements are made and sets forth a framework which allows the corps and the aqueduct customers to reach agreement on the future of the Washington Aqueduct. Again, at no cost to the Federal Government.

The approach in the Chairman's amendment accomplishes that goal and I appreciate his support.

Mr. SIMON. Is the chairman aware that the U.S. Army Corps of Engineers Division Restructuring Plan calls for the closure of the North Central Division Office, in Chicago, IL? My colleague and I are particularly concerned that the Great Lakes region is losing skilled personnel at a time when waterway issues are requiring the increased attention of the corps.

Ms. MOSELEY-BRAUN. I might add that it simply does not make sense to have Great Lakes, Lake Michigan, and Upper Mississippi River issues handled by an office that not only has no institutional knowledge and expertise in these areas, but also is not even located in the Great Lakes basin.

Mr. CHAFEE. I have indeed seen a draft of the Army corps restructuring plan. I believe it is true that the restructuring plan involves closure of the North Central Division Office.

Mr. SIMON. The chairman is also aware that in response to the restructuring plan we sought to include language in the Senate version of the Water Resources Development Act, S. 640, to preclude the closure of the North Central Division Office.

Mr. CHAFEE. Indeed, you both have been diligent in that regard. I have been reluctant to include the proposed amendment here because I believe it is a matter better dealt with on the relevant appropriations legislation. It is my understanding, however, that there are plans to include similar language in the House version of the WRDA bill.

Ms. MOSELEY-BRAUN. Should similar language be adopted in the House, will you commit to giving it your close and careful consideration in conference?

Mr. CHAFEE. Indeed, I would, however, like to work carefully with the chairman of the Energy and Water Development Appropriations Subcommittee, Senator DOMENICI, as his subcommittee had jurisdiction over the original language that mandated the restructuring plan.

Mr. SIMON. I sympathize with your concerns over the jurisdictional issue.

It is my understanding, however, that Senator DOMENICI does not object to our addressing this problem on the WRDA bill.

Ms. MOSELEY-BRAUN. I am pleased we could work together. My colleague and I appreciate your assistance on a matter of critical importance to the State of Illinois.

DAM SAFETY AMENDMENT TO WRDA

Mr. BOND. Mr. President, I congratulate the chairman and ranking member of the Environment and Public Works Committee, Chairman CHAFEE and Senator BAUCUS, and Senator WARNER, chairman of the subcommittee of jurisdiction for their efforts to put together this very difficult legislation. Flood damage prevention and navigation are of particular importance to the people of Missouri given our unique reliance on the inland waterway system. Both the benefits of this system and its shortfalls have been highlighted by the recent record flood events in 1993 and again this spring. Though substantial progress has been made, there remains much hard work to be completed.

Of considerable concern to me are the crippling effects the President's budget is placing on our Nation's effort to protect lives and property from flooding. Clearly, the President does not consider the missions of flood control and navigation to be a priority and through various policy positions and inadequate funding requests, our inland waterway system, the economic activity that depends on it, and the people who live near it are at risk. Those of us who represent regions that rely on flood protection and the competitive international trade advantages provided by the critical corps navigation programs must continue to oppose the administration's intention to let them wither on the vine.

This legislation includes an important Missouri project and many others. Since 1928, the corps has spent \$33 billion for flood control projects. In that time, \$275 billion in damages have been prevented. This does not account for the massive economic development that flood protection permits. I would have thought the political leadership of the administration would be trying to promote these important missions of safety, economic development, and international competitiveness instead of trying to undermine the successful mission and efforts of the Corps of Engineers.

The cheapest way to move a ton of grain in the world is by barge on the Mississippi River. Senators who are concerned about competitiveness, promoting trade opportunities, protecting jobs, and growing the economy recognize the benefits of promoting water resources on our inland waterway system. Half our Nation's grain is shipped by barge and this cost advantage contributes to the fact that we are expecting a record \$60 billion in agricultural exports this year with a \$30 billion trade surplus. As I have said before,

trying to update our water infrastructure to capture the growing Asian market is not pork as OMB would suggest—"its the economy, stupid."

On another matter, I am very proud to have included in the managers package of amendments language I drafted to encourage more effective approaches to dam safety. As people in Missouri know well, the power of water and its potential for causing loss of life and property is a profound reality. The National Inventory of Dams includes roughly 75,000 dams. Over 95 percent of these dams are State regulated. Of these dams, over 9,000 are considered "State high hazard" dams which means that dam failure may result in significant loss of life or property. Many of these dams are considered "unsafe", or susceptible to failure due to deficiencies.

Thousands of citizens in every State are dependent on dams for water supply, flood control, irrigation, and recreation. High safety standards for these dams can keep them from failing and causing devastating environmental and property damage, economic hardships, and, in the worst case, loss of life. My State of Missouri has 3,500 dams on the inventory of which 650 are high hazard.

Deterioration of the infrastructure is a major concern and problems increase as dams decay with age. It has been determined that the life of a dam is 50 years. The majority of dams in this country are quickly approaching this age and rehabilitation of these structures is a major concern. In 1994 alone, 273 documented failures occurred across the Nation. This included 250 during the Georgia flood where lives were lost and where States reported downstream repair costs of over \$50 million. In the 1970's, a dam failure in Idaho cost 11 lives and a West Virginia dam failure was responsible for killing 125 people.

Recent studies by the Association of State Dam Safety Officials show that about half the States have shown program improvement progress while half have either remained constant or regressed in the last 10 years. With the recent economic climate, even those State programs showing improvement are struggling to keep up with growing responsibilities.

There is currently no statutory national dam safety program. Two laws enacted by previous Congresses have since expired. The Federal Emergency Management Agency coordinates the implementation of guidelines pursuant to Executive order to implement a program to encourage coordination among Federal and State dam safety personnel and activities but a more aggressive partnership is needed.

The legislation reauthorizes several previously enacted provisions and codifies the interagency working groups who have expertise in issues of dam safety. The lead agency will be FEMA, whose stated goal is "to make mitigation the cornerstone of the Federal multi-hazard emergency management

system." This approach promotes a focus on taking relatively inexpensive preventative approaches that can preclude expensive and fatal disasters.

The legislation authorizes matching funds of up to \$4 million per year over 5 years as an incentive for States to adopt dam safety programs. It further authorizes research in dam safety technology to discover methods to make new dams more reliable; to assess more reliably the condition of existing dams; and to prolong the reliable life of existing dams. Also included are funds to train State dam inspectors. In short, this program is meant to share the considerable level of Federal expertise and modest dollars to maximize the effectiveness of States to improve their programs and reduce exposure to dam failure.

This incentive and partnership-based approach is not a Federal mandate and does not interfere with the Federal responsibility to ensure the safety of Federal dams. It does not provide for Federal inspection of non-Federal dams and does not authorize any funds for construction and rehabilitation which explicitly and appropriately remain the responsibility of the States.

This approach has the support of the Federal agencies, the National Governors Association, the Association of State Dam Safety Officials who brought these recommendations to the Congress, the National Association of Civil Engineers, and others.

I am pleased to note that the House Committee on Transportation and Infrastructure adopted companion language in their markup of WRDA legislation on June 30.

I thank representatives of the ASDSO and ASCE for working closely and diligently with my office in pursuit of these commonsense provisions to improve dam safety. Brad Iarossi with the Maryland Department of Natural Resources has been of invaluable assistance as this process has moved forward. Again, I appreciate the assistance of Chairman CHAFEE, Chairman WARNER and Senator BAUCUS and their able staff in bringing this legislation before the Senate.

LOWER FOX RIVER SEDIMENT REMEDIATION
PROJECT

Mr. KOHL. Mr. President, the chairman of the Senate Environment and Public Works Committee is well aware of the concerns that Senator FEINGOLD and I have raised about the concentration of contaminated sediments in the Lower Fox River of Wisconsin.

As a result of a high concentration of PCB's and other toxic pollutants in the sediment of the Lower Fox River, the area has been designated by the International Joint Commission as 1 of 43 toxic hotspots in the Great Lakes. Most of these 43 hotspot areas are characterized by contamination which cannot be cleaned up through existing routine programs. Because the contaminated sediments at these sites often-times disperse throughout the Great Lakes ecosystem, it is believed that re-

mediation is critical for environmental restoration of the Great Lakes.

The Fox River is known to be the biggest source of PCB loadings into Green Bay, a fact which has been documented by the Green Bay mass balance study conducted by EPA between 1988 and 1992. Further, it is believed that the Fox River may also be the biggest source of PCB contamination to Lake Michigan. Specifically, the Green Bay mass balance study, conducted by EPA, estimated the volume of contaminated sediment with high concentrations of PCB's to be 7 to 9 million cubic meters. It is clear that the potential for continued dispersion of the sediments throughout the Great Lakes ecosystem is great.

To address the problem, a partnership has been formed in Wisconsin where the Wisconsin Department of Natural Resources, local governments, POTW's and area businesses are working together to analyze and characterize the contamination, and to plan for the remediation of the sites. Given the urgency of the clean up, the group is seeking to proceed with remediation using a consensus-based process, in order to avoid any delays that may be associated with litigation.

Mr. FEINGOLD. I concur with the Senator from Wisconsin's characterization of the urgency of clean up on the Lower Fox River. Not only is the contamination from the Fox River believed to be the biggest source of PCB loading to Lake Michigan, but it may easily become the biggest source of contamination for the entire Great Lakes system. It is widely understood that a large storm event in the region could resuspend those contaminated sediments in the Fox River to disperse pollutants more broadly into the food chain of the Great Lakes.

I would ask the chairman of the Environment Committee if he would agree that there is an urgent need for clean up at the Fox River site, and that a consensus-based clean up process should be encouraged?

Mr. CHAFEE. I would say to both Senators from Wisconsin that I share their concern about the contaminated sediment problems in the Fox River. I agree that there does appear to be an urgent need for cleanup. Further, I would agree that a consensus-based process for remediation should be encouraged, and may lead to a more timely remediation.

Mr. KOHL. Given the urgent need for remediation, Senator FEINGOLD and I had requested that the Committee authorize the Corps of Engineers to help in the clean up of the Fox River, thereby becoming a partner in the effort to remediate the contamination using a consensus-based process. Specifically, we requested that the Lower Fox River sediment remediation project be authorized under Section 312(b) of the 1990 Water Resources Development Act (P.L. 101-640), which authorizes funds for environmental dredging projects within and adjacent to ongoing Army

Corps navigation projects. The Fox River is currently an authorized corps project. Long-range Army Corps plans include a continued corps involvement in the ongoing operation and maintenance of the water regulation portion of the project. However, the Army Corps does not maintain the waterway for navigation purposes and has recommended an end to its role in the navigation portion of the project. The corps is currently in negotiations with the State of Wisconsin to effect deauthorization of navigation.

In response to my and Senator FEINGOLD's request to authorize the Army Corps to clean up the contaminated sediments along the Fox River, Chairman CHAFEE and other members of the Committee on Environment and Public Works expressed strong reservations. I wonder if the chairman would discuss briefly his concern with our proposal.

Mr. CHAFEE. The Senators from Wisconsin have indeed been diligent with regard to including a provision in this bill to address the Fox River matter. However, I am convinced that under these circumstances, assigning the Army Corps with these responsibilities is inappropriate.

While it is true that existing water resources law authorizes the Secretary of the Army to remove contaminated sediments in conjunction with operation and maintenance of ongoing navigation projects, the law establishes conditions which must first be met. First, section 311 (c) of the 1990 WRDA requires a joint plan to be developed by the Secretary of the Army and interested Federal, State, and local officials. Regrettably, we do not have such a plan for the Lower Fox River. Second, it is required that the remediation be done, as stated a moment ago, in connection with ongoing operation and maintenance of a navigation project. It is my understanding that the corps no longer performs operation and maintenance activities along the Lower Fox. Third, the law requires that the method to be used for dredged material disposal and the specific responsibilities of the Secretary and other involved parties be provided prior to authorization. The 1990 Water Resources Development Act also requires that sources of funding for the work be identified. Again, regrettably, none of these conditions are met with respect to the Lower Fox.

Without having a clear understanding of the exact responsibilities of the Secretary, I would also be concerned about potential liability problems the corps might face once they get involved.

Mr. FEINGOLD. I know that the Senator is aware that a provision was included in the House version of the water resources bill authorizing the Lower Fox River sediment remediation project. I would ask for the Senator's commitment to give that provision strong consideration in conference, or to work with Senator KOHL and myself to find another vehicle to address this urgent matter.

Mr. CHAFEE. I will say to the Senators from Wisconsin that I will give the House Fox River provision my strong consideration in conference, and will continue to work with them to find the most appropriate way to address the pressing contamination problems of the Fox River.

Mr. NICKLES. Mr. President, included in S. 640, the Water Resources Development Act, is a provision which provides for the reallocation of a sufficient amount of existing water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery on a permanent basis. The bill also requires releases of water from Broken Bow Lake to be undertaken at no expense to the State of Oklahoma to mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service.

The Oklahoma Department of Wildlife Conservation [ODWC] began stocking trout in 12 miles of the lower Mountain Fork river in December 1988. I worked on legislation in 1992, Public Law 102-580, section 102(v), which authorized the reallocation of unobligated water supply storage for the purpose of maintaining the trout fishery. As a result, it is estimated the trout fishery generates over \$1 million annually in aggregate benefits to the economy of southeastern Oklahoma.

It is the intention of this bill that water releases be made from the Mountain Fork Dam to mitigate the loss of 26 miles of high-quality small mouth bass waters destroyed when the Broken Bow Dam was constructed. A 1960 U.S. Fish and Wildlife mitigation recommendation for a 100 cubic-feet-per-second instantaneous release from Broken Bow Dam is being released approximately 8 miles downstream and gauged 12 miles downstream rather than at the dam, as originally recommended. With slight modification, implementation of the 1960 USFWS mitigation recommendation would provide releases necessary to maintain the fishery in its present capacity.

Under a reasonable worst-case scenario, maintaining the Mountain Fork fishery requires release of approximately 38,454 acre-feet through the spillway and 41,259 acre-feet released through hydro generation. It is my understanding that over 90 percent of Broken Bow water storage capacity is uncontracted. Thus, mitigating the loss of the small mouth bass fishery through maintenance of the trout fishery does not adversely affect the water supply needs of local municipalities or hydro generation.

Finally, it is not the intent of this legislation to interrupt maintenance of the Mountain Fork trout fishery as it has been maintained since 1992. The purpose of this legislation is to partially mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service Regional Director in 1960.

The Mountain Fork trout fishery could not be properly maintained without cooperation between the Oklahoma Department of Wildlife Conservation, the Army Corps of Engineers, and the Southwestern Power Administration. I, along with the people of McCurtain County, appreciate their hard work to maintain this project.

Mr. KOHL. Mr. President, this water resources bill includes many provisions of great importance. Perhaps none of the provisions is more important to the State of Wisconsin than the transfer of land in the Kickapoo River Valley from the Corps of Engineers to the State of Wisconsin, for the purpose of creating the Kickapoo Valley Reserve.

We in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. I know that my colleagues of all ideological stripes can list specific instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today with this bill, and the Kickapoo Valley, WI, provision included therein, we have begun the process of rectifying a wrong that was done the people of Southwestern Wisconsin 3 decades ago.

In the mid 1960s, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant economic and emotional blow.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But the passage of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, the Ho Chunk Nation, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The Kickapoo Valley, WI, provision of this water resources bill would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson have already acted to authorize the use of this 8,500 property as a State recreational and environmental management area. Further, in recognition of the cultural and religious significance of this area to the Ho Chunk People, agreement has been reached with the Ho Chunk Nation to transfer

up to 1,200 acres of that area to the Secretary of Interior in trust for the Ho Chunk Nation.

While this legislation does not include all of the things that my colleague from Wisconsin, Senator FEINGOLD, and I have wanted in terms of funding for infrastructure improvements in the area, it does address the most crucial aspect of this matter, which is the land transfer. This measure is long overdue, and it is my sincere pleasure to be able to return this remarkable piece of property back to local control.

COLUMBIA RIVER CHANNEL

Mr. HATFIELD. Mr. President, the top marine transportation priority for my region is the project to deepen the Columbia River deep-draft channel from 40 to 43 feet. Local sponsors of the project include three Oregon ports: Astoria, Portland, and St. Helens; and four Washington ports: Longview, Kalama, Woodland, and Vancouver. The project enjoys strong support within the Oregon and Washington congressional delegations.

Port and regional interest is so keen because some of the ships calling in the Columbia River now exceed the 40-foot draft of the existing channel. If the channel comes to be viewed in the world shipping community as too shallow for the larger, more efficient vessels, our region's reliance on trade and distribution as economic mainstays will be at risk.

On June 27, Mr. President, the biggest container vessel ever to call in the Columbia River, the *Ever Ultra*, took on more than 2,100 containers in Portland. If loaded fully, the *Ever Ultra* would have needed a channel nearly 42 feet deep. This class of vessel will operate out of the river at low-water periods by leaving light loaded, but the vessel owners clearly view this as a test of the Columbia River port market. As world trade mushrooms in the years ahead, there will be more pressure on these vessels, and the channel as well, to operate at full capacity.

At stake is more than \$15 billion in annual trade and more than 46,000 jobs in the region. Obviously, the job impact climbs even higher when you consider job impacts throughout the region. Exports crossing the Columbia River docks originate around the country, coming from the Midwest and northern tier States. Thus, the trade impacts of the channel reverberate throughout the U.S. economy.

Mr. President, let me cite just one regional example: An estimated three-quarters of Montana wheat is exported through the Columbia River system. Montana grain growers acknowledge that bottlenecks in the Columbia River Channel hamper their efforts to bet their grain to market. The same is true for States around the west that rely on the channel as the gateway to the international marketplace. Columbia River ports handle grain from throughout the Midwest and products from around the rest of the country.

Restrictions on channel draft mean lost business opportunities for grain vessels, a foot of draft equates to 2,000 tons of cargo, valued at \$324,000. For container cargo, that same foot of draft equates to \$2.5 million in cargo value. When vessels leave light loaded or without taking a full load so that they do not exceed channel depth, that is the value of cargo left behind for each foot of draft sacrifices.

Mr. President, my colleague from Oregon, Senator WYDEN, and I have worked diligently with the committee on moving this project ahead. Included in this year's water resources bill is language directing the corps to move ahead with technical improvements on turns in the lower Columbia River. But I want to put the Senate on notice that more needs to be done on this project. I have discussed the importance of the Columbia River Channel deepening with the chairman of the Environment and Public Works Committee as he assures me the committee is well versed in the importance of this navigation improvement project.

Mr. CHAFEE. Mr. President, I rise to join with the Senator from Oregon in expressing my understanding of the vital importance of the Columbia River Channel deepening project. I have also expressed to my colleague my willingness to help keep review of the project moving ahead as swiftly as possible in the years ahead. I will do all that I can to urge the Corps of Engineers to complete its feasibility study on schedule so that Congress can address the merits of this project without any delay. I have given that commitment to my colleagues from Oregon and I am happy to repeat it during this debate today.

Mr. HATFIELD. I thank the distinguished chairman of the committee. This project has been one of the top priorities in my recent years in the Senate. This past year, the Columbia River was the largest volume export port on the west coast and its significance means the impacts are felt well beyond my State and region. I appreciate having the chairman of the authorizing committee recognize this importance and commit to timely consideration of the Columbia River Channel improvement project in the future.

WATER RESOURCES DEVELOPMENT ACT AND THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the inclusion of language deauthorizing the La Farge Dam and Lake project in the 1996 Water Resources Development Act Reauthorization [WRDA] and extend my thanks to the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. WARNER] for their assistance in incorporating these provisions. I want to recognize the efforts of all the individuals who have worked so hard over the last year on this legislation, including State Senator Brian Rude, Ho Chunk Nation President Chloris Lowe, State Representative DuWayne Johnsrud, Ron

Johnson, the chair of the Kickapoo Valley Governing Board, Lou Kowalski, formerly of the St. Paul District Corps of Engineers, and Alan Anderson of the University of Wisconsin Extension. Finally, I want to extend my gratitude for the commitment and perseverance of the Wisconsin delegation. As a delegation, my colleagues from Wisconsin in the other body—Representatives GUNDERSON and PETRI—the senior Senator from Wisconsin [Mr. KOHL], and I introduced identical legislation on the 1st day of the 104th Congress in our respective bodies—S. 40 and H.R. 50—to address this unfinished business the Federal Government began in our State in 1962. We supported legislation to address this issue in the 103d Congress—S. 2186 and H.R. 4575. The House of Representatives included H.R. 4575 in the WRDA bill that passed on October 3, 1995. Senate action on this measure was not completed in the closing days of the 103d Congress.

In this Congress, the Senate Environment and Public Works Committee included the land transfer portion of my bill as part of the WRDA bill it introduced on March 28, 1995. That bill was favorably reported by the committee on August 2, 1995.

Today marks a major step toward ending the conflict and controversy created by the proposed construction, and later abandonment, of the La Farge Dam project. More than 30 years ago, the U.S. Army Corps of Engineers planned to build a dam across the Kickapoo River, near the village of La Farge, located in the southwestern portion of the State. In fact, Mr. President, I believe there is scarcely a person over 30 years of age in my State that has not heard about the La Farge Dam. The dam was supposed to provide flood control in an often flooded valley. Local residents were assured of the economic benefits in tourism dollars that the planned lake and other authorized improvements would bring to the area.

Federal legislation authorizing the La Farge Dam passed in 1962, and construction began in 1971. The Federal Government condemned the property and displaced 144 families. However, the project was never completed. Construction ended in 1975 following a dispute over the project's environmental impact statement. Mr. President, the La Farge area is ecologically sensitive and is a truly beautiful area of my State, filled with unique natural features such as: Sandstone cliffs, hearty forest lands, and scenic valleys. It is also home to many rare plants and several State threatened and endangered animals.

When construction stopped, the proposed dam was only 61 percent complete. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the

dam totaled more 300 jobs and \$8 million for the local economy per year. In fact, the only remaining legacy of the dam project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103-foot-tall concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot-gap.

When the 144 families were forced to leave their homes in the 1960's, many left the region entirely. Those who stayed in the area lost income, and the land they once owned was removed from the local tax base. Businesses, which once relied on these customers, suffered, and the school system lost property tax funding along with approximately one-third of its students. Today, the median income of the La Farge area is only slightly above half of the State average, and the heartfelt bitterness toward what was widely considered an irresponsible Federal boondoggle will only begin to be tempered now that plans for Federal deauthorization are in progress with the passage of this measure.

For the past 5 years, under the sponsorship of Governor Thompson, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, members of the congressional delegation, and, most recently, the Ho Chunk Nation have collaborated to develop a plan to reclaim the dam area and manage it under a combination of State and local control.

The Wisconsin State Legislature passed legislation in 1994 to establish the Kickapoo Valley Reserve. State law now provides that the deauthorized land will be managed under the auspices of the newly created Kickapoo Valley Governing Board. This entity is prepared to accept ownership on behalf of the State of Wisconsin upon Federal deauthorization of the land.

The Governing Board is required to preserve and enhance the unique environmental, scenic, and cultural features of the Kickapoo Valley, to provide facilities for the use and enjoyment of visitors to the area, and to promote the area as a destination for vacationing and recreation.

Strong environmental protection provisions are included in the State law, including limits on development and an outright ban on any mining activities. The State has also made a financial commitment to support both the administration of the governing board and the reserve at a cost of more than \$300 thousand per year. In addition, the State will pay local property taxes and aid to local school districts.

At the time of the August 1995 WRDA markup, representatives of the Ho Chunk Nation, a Wisconsin Native American tribe, contacted the Bureau of Indian Affairs and my office raising

concerns about the proposed transfer. The area which is now the La Farge Dam property at one time belonged to the Nation under two treaties with the Federal Government in 1825 and 1827. In a later treaty of 1837, the tribe was required to cede this property to the United States. Because these lands had been the Nation's, both at the time of and prior to its treaties with the Federal Government, there are nearly 400 tribal archeological sites in this area. These include 150 prehistoric campsites, 18 prehistoric villages, rock shelters, petroglyphs, and burial mounds. In deauthorizing the dam project, and opening the property to public use, the Nation wanted to be certain that sites they believe to be culturally and religiously significant within this area were protected from desecration or other improper use.

Upon learning of the tribe's concerns, my office began a dialog with all the parties to determine how to transfer the property and insure that the tribal archeological sites were protected.

The result is truly landmark legislation. When this project is deauthorized, a portion of the more than 8,500 acre property now owned by the corps—some 1,200 acres—will be transferred to the Ho Chunk Nation. The remainder will be given to the State of Wisconsin. The parties will be required to sign a memorandum of understanding [MOU] to jointly operate the area as the Kickapoo Valley Reserve, a public outdoor recreational and educational area. This site in Wisconsin, which was untouched by the glaciers and contains this wealth of archeological sites, will create an ecologically and historically significant State reserve. In addition to its ecological significance, the reserve is also unique in a number of other ways. It will be the first time in our State's history and, according to the Congressional Research Service, nationally that a tribe and State will work together to pursue natural resource objectives for a particular piece of property in this fashion. Moreover, the day to day management of the reserve will be conducted by a governing board made up of local residents, not administered by the State Department of Natural Resources—a first in Wisconsin.

I was disappointed that we were unable to reach agreement under this legislation to include authorizations for improvement projects at this site, which were included both in the original La Farge Dam project as proposed by the corps and in my bill. These improvements include: Reconstruction of the three roads; construction of an education and interpretative complex that includes buildings, parking areas, recreational trails, and canoe facilities; remediation of old underground storage tanks and wells on the abandoned farms; and a complete inventory of the archeological sites as required by the National Historic Preservation Act.

These projects provide hope for the area and fulfillment of Federal prom-

ises made long ago. It is my understanding that the House has included authorizations for some of these improvements in the markup of their water resources bill and it is my hope that these improvements can be considered in the conference. We in the Wisconsin delegation are all concerned about the fiscal implications of WRDA projects. I believe that these improvement projects are a financial win for both Wisconsin and the Federal Government. The Army Corps of Engineers estimates that if the La Farge Dam were to be completed today, the total cost would be \$102 million.

In conclusion, this effort should truly be dedicated to the people of the Kickapoo Valley. It is their hopeful vision of renewal of this area, and their tenacity that should be recognized today. This legislation marks the starting point of the work that is to come, which I know they will pursue with grace and fortitude.

Mr. BRADLEY. Mr. President, today's passage by the Senate of S. 640, the Water Resources Development Act [WRDA], represents a continuing Federal commitment to the water resources of our country. Passage of this important measure is a direct result of the leadership and diligent efforts of my colleagues Senator JOHN CHAFEE and Senator MAX BAUCUS and I would like to thank them for all their hard work. Their efforts have resulted in an excellent bill that has not only my whole-hearted support, but the solid backing of this body. This strong support is unsurprising. This bill has much to recommend it. Our waterways and ports, which funnel billions of dollars of products throughout the Nation and generate hundreds of thousands of jobs across the country, will be better served by this bill. For those Americans who live in areas of the country that are prone to flooding, this bill provides for flood-control projects that protect their homes and the billions of dollars that their property represents. I know that my colleagues understand the important navigation and flood control projects provided for in this measure, but I would like to take a moment to call their attention to another significant provision in this bill.

S. 640 includes important language that provides for a continuing Federal role in protecting a valuable national resource—our Nation's coastline. This language states clearly that the Federal Government has an obligation to provide the necessary support for projects that promote the protection, restoration, and enhancement of sandy beaches and shorelines in cooperation with States and localities. Mr. President, before I detail the significance of this language, I would again like to acknowledge and thank Senator CHAFEE and Senator BAUCUS for working with me on this issue as they readied WRDA for consideration by the full Senate. Their thoughtful consideration and leadership has been instrumental in achieving constructive progress on this

issue and I look forward to continuing to work with them as the bill moves forward.

To understand the significance of the inclusion of this shore protection language in this bill, it is necessary to understand the history that has led to today's congressional action on this subject. As many of my colleagues know, in 1995, the administration proposed an end to the Federal role in shore protection projects. Citing budgetary concerns, the administration proposal called for Federal involvement in projects that were of "national significance" only. This short-sighted policy ignores the fact that beach, shore, and coastal resources are critical to our economy and quality of life, but that they are fragile and must be protected, conserved, and restored.

As a coastal State senator, who walks the beaches of the Jersey shore every year, I know first hand the economic and recreational benefits that are derived from healthy beaches. This is why on May 23, 1996, I joined with my colleague and co-chair of the Senate Coastal Coalition, Senator CONNIE MACK of Florida, to introduce S. 1811, the Shore Protection Act of 1996. This bill would provide for a Federal role in shore protection projects, including those projects involving the placement of sand, for which the economic and ecological benefits to the locality, region or Nation exceed the costs.

I am pleased that Senator CHAFEE and Senator BAUCUS have agreed to include elements of the Shore Protection Act of 1996 in the Water Resources Development Act, which is the vehicle that authorizes the Federal involvement in civil works projects like shore protection. The history of Federal involvement in water resource projects dates back almost 200 years and includes a long history of involvement in shore protection projects. The role of the Federal Government in beach restoration projects was reaffirmed as recently as 1986 with passage of WRDA '86, the largest and most comprehensive authorization of the Corps Civil Works Program since the 1940's. The passage of WRDA '86 included cost-sharing requirements that made States a partner in the funding of these programs. For the past decade, the protection of our Nation's shoreline has continued to be a partnership between the Federal Government and the States. Despite the Clinton administration's new policy of eliminating Federal participation in beach restoration projects, the Environment and Public Works Committee continues to authorize new projects and the Energy and Water Appropriations Subcommittee continues to appropriate funds for these projects. However, these measures address shore protection projects on an ad hoc, rather than comprehensive and coordinated, basis.

The language included in WRDA from the Shore Protection Act of 1996 challenges the administration's new policy and reaffirms a Federal role in shore

protection. The language included states that one of the goals of WRDA is to "promote shore protection projects and related research that encourage the protection, restoration and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, and localities, and private enterprises." This puts the Senate on record as rejecting the Administration's policy and more clearly defines the Army Corps' mandate to undertake shore protection projects, specifically those projects which include the placement of sand. This mandate is further clarified by the adoption in WRDA of new definitions from the Shore Protection Act of 1996 that redefines "shore," to include "sandy beaches" and expands "shoreline protection project" to include "a project for beach renourishment, including the placement of sand." The inclusion of this language would mandate a continuing Federal role in shore protection projects by changing the mission of the Corps from one of general authority to do beach projects to a specific mandate to undertake the protection, restoration and enhancement of beaches in cooperation with States and local communities.

I am pleased that this language was included in WRDA, and look forward to continuing discussions on the other important provisions in the Shore Protection Act that were not included in this measure at this time. These provisions include the requirement that new criteria be used in conducting the cost-benefit analysis of a proposed project. Currently, when undertaking cost-benefit analysis to determine the suitability of proposed projects, the corps is only required to consider the property values of property directly adjacent to the beach. The corps can take into account revenues generated through recreation, but is not required to do so, nor can the recreational values be weighed as anything other than an incidental benefit. The Shore Protection Act requires that the benefits to the local, regional and national economy and the local, regional and national ecology be considered. This comprehensive evaluation will demonstrate that shore protection projects are of national significance.

The Shoreline Protection Act also requires that the corps report annually to Congress on beach project priorities. The corps will be required to submit information—reports—to Congress on projects that, when evaluated with the bill's new cost-benefit criteria, are found to merit Federal involvement. In current law, this authority is discretionary and has been suspended by the administration.

Additionally, the act encourages the corps to work with State and local authorities to develop regional plans for preservation, restoration and enhancement of shorelines and coastal resources. Further the corps is encour-

aged to work with other agencies to coordinate with other projects that may have a complimentary effect on shoreline protection projects.

A network of healthy and nourished beaches is essential to our economy, competitiveness in world tourism and the safety of our coastal communities. I know that many of my colleagues have heard the numbers before but they bear repeating. More than 28 million people work in businesses related to costal tourism, and healthy beaches contributed to a \$26 billion tourism trade surplus last year. Protection of the Nation's shoreline must be a continued Federal priority and I appreciate Senator CHAFEE's leadership on this issue. By authorizing new shore protection projects in this year's WRDA and by associating himself with the provisions of the Shore Protection Act that call for a continued Federal role in shore protection, he has distinguished himself in the effort to preserve one of our Nation's most unique and valuable resources. I want to associate myself with Senator CHAFEE's remarks that state that he "plans to work closely with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances." I look forward to continuing this dialog as the bill continues to progress.

TECHNOLOGY TO DECONTAMINATE SEDIMENTS

Mr. LEVIN. Mr. President, I wish to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a brief colloquy regarding S. 640, the Water Resources Development Act of 1996.

As the chairman may know, I have been very involved in efforts to clean up contaminated sediments in the Great Lakes. I have long supported the program for the assessment and remediation of contaminated sediments. The Water Resources Development Act of 1990 authorized very modest funding for the Secretary of the Army to provide technical planning and engineering assistance to States and local governments to develop contaminated sediment remediation plans. This has been a joint Army Corps of Engineers—Environmental Protection Agency effort to develop more cost-effective technologies for cleaning up sediments in freshwater. This coordinated effort is very similar to the one in New York/New Jersey Harbor authorized in section 405 of the Water Resources Development Act of 1992, which is extended and expanded in the bill before us, except that that program primarily addresses saltwater areas.

The Great Lakes region faces a multibillion dollar problem in cleaning up and preventing the deposition of more contaminated sediments. This overwhelming task will require cooperation and financial support from all levels of government and sectors of society. The long-term environmental and economic health of the region depend on our ability to address this difficult problem.

Recently, I have communicated to the chairman and the Environment

Committee about my strong interest in pursuing the Superfund as one possible option for cleaning up the areas of concern around the Great Lakes. Unfortunately, for a variety of reasons, including the lack of cost-effective technology, Superfund has not adequately considered the risks from or attempted to address most of these aquatic sites. Superfund would be an appropriate funding source since the majority of these areas are contaminated with many of the very persistent substances and chlorinated hydrocarbons that plague our ecosystem and are produced from the feedstocks that are taxed to fill the Superfund.

As a result of research and planning efforts at the Army Corps and EPA, we have now identified promising technologies and it is time to put them into practice. That is why I am seeking the Senator from Rhode Island's firm commitment to accept, or recede to in conference, the House provision outlined in section 509 of H.R. 3592 or something similar.

Mr. CHAFEE. I appreciate the interest of the the Senator from Michigan. I am pleased to tell him that the provision appears to be reasonable and consistent with the navigation mission of the Army Corps. As such, I can assure the Senator from Michigan that I will look favorably upon the provision he refers to and will make sure all of the Senate conferees are aware of his interest in this matter.

Mr. LEVIN. I thank the chairman for his assurances and look forward to working with him further on preventing and remediating contaminated sediments in the Great Lakes and in other areas of the country. I would also like to note for my colleagues that they will likely be surprised at the pervasiveness of contaminated sediments in our coastal waters, which will be revealed if and when EPA finally releases its very tardy national assessment of aquatic sediment quality. This was due to have been released in October 1994, pursuant to the Water Resources Development Act of 1992, section 503.

Mr. SARBANES. I would like to engage the distinguished chairman of the Committee on Environment and Public Works in a colloquy regarding the funding levels authorized in the bill for the Chesapeake & Delaware Canal. At the very outset, I want to commend the chairman for his leadership in crafting this legislation which is of vital importance to our Nation's water resources infrastructure.

I am particularly grateful for the committee's favorable consideration of the Poplar Island restoration project and the improvements to the Tolchester Channel and the C&D Canal made possible by this legislation. I note, however, that the project costs for the C&D Canal improvements are unfortunately inaccurate. I would stress that this happened through no fault of the committee staff. The Corps of Engineers draft feasibility study for the project released in January 1996,

estimates the total cost of the project at \$83,900,000 rather than the \$33 million shown in the bill. Of this revised amount, \$54,204,000 is Federal and \$29,696,000 is non-Federal responsibility.

I ask the chairman whether it would be possible to have these numbers corrected in the conference committee.

Ms. MIKULSKI. Mr. President, I would only add two points. First, that the project is one of considerable importance to the Port of Baltimore and to the efficient passage of ships up and down the east coast. Second, that the correct figures are those developed by the Corps of Engineers and represent the current estimates for the project in accordance with the cost-sharing provisions of the Water Resource Development Act of 1986. I would also request the chairman's assistance in resolving this matter.

Mr. CHAFEE. I thank Senators SARBANES and MIKULSKI for their kind remarks and express my agreement that we should utilize the correct numbers for this and all other projects. As such, I will look favorably upon the necessary modification to this project authorization during conference with the House of Representatives.

Mr. SARBANES. Mr. President, I rise in strong support of S. 640, the Water Resources Development Act of 1995, and the committee amendment, which provide for the development and improvement of our Nation's water resources infrastructure. This legislation authorizes water resource projects of vital importance to our Nation's and our States' economy and maritime industry as well as our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to ensure the future health of the Port of Baltimore and of the Chesapeake Bay.

First, the bill authorizes the Poplar Island beneficial use of dredged material project. This project would take clean dredged materials from the shipping channels leading to the Port of Baltimore and use it to stabilize the shoreline, create habitat, and restore wetlands of one of the Chesapeake Bay's most valuable island ecosystems. Providing adequate and environmentally compatible dredged material disposal capacity for the millions of cubic yards of materials which must be dredged from Baltimore's shipping channels, harbors, and anchorages are perhaps the biggest challenge facing our State. This is a creative solution that will not only help alleviate Maryland's shortage of dredge disposal capacity, but provide substantial environmental benefits for the Chesapeake Bay, creating new habitat for waterfowl and other wildlife and reducing the sediment and nutrient problems of the bay. The Poplar Island project would be the first large scale project to beneficially use dredged material and would serve as a national model demonstrating that clean dredged material can be a resource rather than a waste.

It has been a top priority of mine, of the State of Maryland, and of the Chesapeake Bay community for many years and I am delighted that this legislation will enable us to move forward with this important project.

Second, the legislation directs the U.S. Army Corps of Engineers to expedite its study of the Tolchester Channel S-turn and, if feasible and necessary for safe and efficient navigation, to straighten the channel as part of project maintenance. The Tolchester Channel, a Chesapeake and Delaware Canal approach channel, is a vital link in the Baltimore Port system. The channel has a significant S-turn which requires ships to change course 5 times within 3 miles. With vessels nearly 1,000 feet in length, it is difficult to safely navigate the channel, particularly in poor weather conditions. The Maryland Pilots Association has indicated that two groundings and a greater number of near misses have occurred in the area. This legislation provides a mechanism for the Corps of Engineers to expedite safety-related improvements to the channel.

Third, the bill authorizes navigation and safety improvements to the Chesapeake and Delaware Canal and approach channels. The Chesapeake and Delaware Canal is a strategic and cost-effective shortcut from the Port of Baltimore to the North Atlantic, saving up to 12 hours of sailing time for many of the world's largest vessels. Nearly one half of all breakbulk and container tonnage moving through the Port of Baltimore utilizes the canal. Unfortunately current dimensions of the canal and connecting channels present serious constraints for modern container ships—many of which exceed 900 feet in length—seeking to use this shortcut. In January, after an extensive 6-year study, the Philadelphia District of the U.S. Army Corps of Engineers, completed a draft feasibility report and environmental impact statement which recommends deepening the existing channel from 35 feet to 40 feet. The project also includes enlarging the Reedy Point flare, bend widening at Sandy Point, and construction of an emergency anchorage at Howell Point. Subject to a final favorable feasibility report, expected in September of this year, the corps would be able to undertake these improvements and make transit of the canal safer and more efficient, while allowing larger ships to access the port.

The Port of Baltimore is one of the great ports of the world and one of Maryland's most important economic assets. The port generates \$2 billion in annual economic activity, provides for an estimated 87,000 jobs, and over \$500 million a year in State and local tax revenues and customs receipts. These three projects will help assure the continued vitality of the Port of Baltimore into the 21st century.

In addition to port development and improvement projects, the measure contains three amendments which will

help significantly to enhance Maryland's and the Chesapeake Bay region's environment.

It incorporates provisions of S. 934, the Chesapeake Bay Environmental Restoration and Protection Program, legislation I introduced together with Senators WARNER, ROBB, and MIKULSKI to expand the authority of the U.S. Army Corps of Engineers to assist in the environmental restoration of the Chesapeake Bay. The bill authorizes a \$10 million pilot program for the corps to design and construct water-related projects in the Chesapeake Bay including projects for sediment and erosion control, wetland creation, fish passage barrier removal, wastewater treatment and related facilities, and other related projects. As the lead Federal agency in water resource management, the corps has a vital role to play in the restoration of the bay and these provisions would greatly enhance the ability of the corps to actively participate in this important endeavor.

It also authorizes \$18.8 million in funding for environmental restoration of the Anacostia River. The Anacostia River is one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation. In July 1994 the Army Corps of Engineers completed a feasibility study which recommended 13 restoration actions, include 2 wetland restoration projects, 6 stormwater management/wetland projects, and 5 stream restoration projects. In total, these actions will restore 80 acres of wetlands, 5 miles of stream and 33 acres of bottom land habitat within the Anacostia basin. This legislation would enable the Corps of Engineers to undertake these projects and help restore the river and regain what has been lost through years of neglect.

Finally, the legislation authorizes the Secretary to transfer up to \$600,000 to the State of Maryland for use by the State in constructing an access road to Jennings Randolph Lake. The fiscal 1994 energy and water appropriations bill contained a provision directing the corps to pave the access road on the Maryland side of the Jennings Randolph Lake utilizing the operations and maintenance budget. The Army has indicated that due to varying standards for Federal versus State road construction and the design and planning activity already undertaken by Maryland, the total cost of the road would be significantly lower if built by the State. This provision would enable the corps to transfer to the State of Maryland the funds necessary to complete the final portion of the access road which traverses corps property.

I want to compliment the distinguished chairmen of the committee and the subcommittee, Senators CHAFEE and WARNER, and the ranking member, Senator BAUCUS, for their leadership in crafting this legislation and I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 4445

(Purpose: To improve the bill)

Mr. STEVENS. Mr. President, I understand there is a manager's amendment to the committee amendment at the desk offered by Senator CHAFEE. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CHAFEE proposes amendment numbered 4445.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to and the committee amendment, as amended, be agreed to.

The amendment (No. 4445) was agreed to.

The committee amendment, as amended, was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be deemed read for the third time and passed and the motion to reconsider be laid on the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 640) was deemed read the third time and passed, as follows:

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

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

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

TITLE I—WATER RESOURCES PROJECTS

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

TITLE II—PROJECT-RELATED PROVISIONS

- Sec. 201. Grand Prairie Region and Bayou Meto Basin, Arkansas.
- Sec. 202. Heber Springs, Arkansas.
- Sec. 203. Morgan Point, Arkansas.
- Sec. 204. White River Basin Lakes, Arkansas and Missouri.
- Sec. 205. Central and Southern Florida.
- Sec. 206. West Palm Beach, Florida.
- Sec. 207. Everglades and South Florida ecosystem restoration.
- Sec. 208. Arkansas City and Winfield, Kansas.
- Sec. 209. Mississippi River-Gulf Outlet, Louisiana.
- Sec. 210. Coldwater River Watershed, Mississippi.
- Sec. 211. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
- Sec. 212. Sardis Lake, Mississippi.
- Sec. 213. Yalobusha River Watershed, Mississippi.
- Sec. 214. Libby Dam, Montana.
- Sec. 215. Small flood control project, Malta, Montana.
- Sec. 216. Cliffwood Beach, New Jersey.
- Sec. 217. Fire Island Inlet, New York.

- Sec. 218. Queens County, New York.
- Sec. 219. Buford Trenton Irrigation District, North Dakota and Montana.
- Sec. 220. Jamestown Dam and Pipestem Dam, North Dakota.
- Sec. 221. Wister Lake project, LeFlore County, Oklahoma.
- Sec. 222. Willamette River, McKenzie Subbasin, Oregon.
- Sec. 223. Abandoned and wrecked barge removal, Rhode Island.
- Sec. 224. Providence River and Harbor, Rhode Island.
- Sec. 225. Cooper Lake and Channels, Texas.
- Sec. 226. Rudee Inlet, Virginia Beach, Virginia.
- Sec. 227. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Cost-sharing for environmental projects.
- Sec. 302. Collaborative research and development.
- Sec. 303. National dam safety program.
- Sec. 304. Hydroelectric power project uprating.
- Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.
- Sec. 306. Cost-sharing for removal of existing project features.
- Sec. 307. Termination of technical advisory committee.
- Sec. 308. Conditions for project deauthorizations.
- Sec. 309. Participation in international engineering and scientific conferences.
- Sec. 310. Research and development in support of Army civil works program.
- Sec. 311. Interagency and international support authority.
- Sec. 312. Section 1135 program.
- Sec. 313. Environmental dredging.
- Sec. 314. Feasibility studies.
- Sec. 315. Obstruction removal requirement.
- Sec. 316. Levee owners manual.
- Sec. 317. Risk-based analysis methodology.
- Sec. 318. Sediments decontamination technology.
- Sec. 319. Melaleuca tree.
- Sec. 320. Faulkner Island, Connecticut.
- Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
- Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
- Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
- Sec. 324. Arkabutla Dam and Lake, Mississippi.
- Sec. 325. New York State canal system.
- Sec. 326. Quonset Point-Davisville, Rhode Island.
- Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
- Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
- Sec. 329. Washington Aqueduct.
- Sec. 330. Chesapeake Bay environmental restoration and protection program.
- Sec. 331. Research and development program to improve salmon survival.
- Sec. 332. Recreational user fees.
- Sec. 333. Shore protection.
- Sec. 334. Shoreline erosion control demonstration.
- Sec. 335. Review period for State and Federal agencies.
- Sec. 336. Dredged material disposal facilities.
- Sec. 337. Applicability of cost-sharing provisions.
- Sec. 338. Section 215 reimbursement limitation per project.

- Sec. 339. Waiver of uneconomical cost-sharing requirement.
- Sec. 340. Planning assistance to States.
- Sec. 341. Recovery of costs for cleanup of hazardous substances.
- Sec. 342. City of North Bonneville, Washington.
- Sec. 343. Columbia River Treaty Fishing Access.
- Sec. 344. Tri-Cities area, Washington.
- Sec. 345. Designation of locks and dams on Tennessee-Tombigbee Waterway.
- Sec. 346. Designation of J. Bennett Johnston Waterway.
- Sec. 347. Technical corrections.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of \$15,180,000, with an estimated Federal cost of \$10,116,000 and an estimated non-Federal cost of \$5,064,000.

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

(3) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$16,100,000, with an estimated Federal cost of \$8,100,000 and an estimated non-Federal cost of \$8,000,000 and the habitat restoration, at a total cost of \$4,050,000, with an estimated Federal cost of \$3,040,000 and an estimated non-Federal cost of \$1,010,000.

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

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

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

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA

STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

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

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

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

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

(10) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

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

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

(13) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of \$17,200,000, with an estimated Federal cost of \$12,900,000 and an estimated non-Federal cost of \$4,300,000.

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

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm

damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of \$72,091,000, with an estimated Federal cost of \$46,859,000 and an estimated non-Federal cost of \$25,232,000.

(16) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$23,290,000, with an estimated Federal cost of \$16,955,000 and an estimated non-Federal cost of \$6,335,000.

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

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

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of \$508,757,000, with an estimated Federal cost of \$286,141,000 and an estimated non-Federal cost of \$222,616,000.

(20) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of \$23,680,000, with an estimated Federal cost of \$20,341,000 and an estimated non-Federal cost of \$3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

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

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

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(b) PROJECTS SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

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

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

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

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

- (i) approximately 24 miles of slurry wall in the levees along the lower American River;
- (ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;
- (iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and
- (iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

- (i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and
 - (ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.
- (4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of \$6,440,000, with an estimated Federal cost of \$4,220,000 and an estimated non-Federal cost of \$2,220,000.

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

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

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of \$33,000,000, with an estimated Federal cost of \$25,000,000 and an estimated non-Federal cost of \$8,000,000.

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

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

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

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of \$116,639,000, with an estimated Federal cost of \$72,798,000 and an estimated non-Federal cost of \$43,841,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading "MOBILE HARBOR, ALABAMA" in section 201(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration."

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

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately \$12,000,000 shall be considered to be a relocation.

(d) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is \$102,600,000, with an estimated Federal cost of \$64,120,000 and an estimated non-Federal cost of \$38,480,000.

(e) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law

89-298; 79 Stat. 1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

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

(f) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

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

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

(i) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of \$34,228,000, with an estimated Federal cost of \$20,905,000 and an estimated non-Federal cost of \$13,323,000.

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

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

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for

flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of \$121,600,000, with an estimated Federal cost of \$70,577,000 and an estimated non-Federal cost of \$51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF DEFENSE—CIVIL" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90-483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

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

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85-500; 72 Stat. 297), is modified to direct the Secretary—

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

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed \$11,600,000. The Federal share of the cost shall be 75 percent.

(r) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4118-4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of \$44,700,000, with an estimated Federal cost of \$32,600,000 and an estimated non-Federal cost of \$12,100,000.

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4232) is amended by inserting before the period at the end the following: " , except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent".

(v) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of \$50,921,000, with an estimated Federal cost of \$25,128,000 and an estimated non-Federal cost of \$25,793,000.

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85-500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation,

Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes", approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

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

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

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

(z) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000.

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

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

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

(bb) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of \$350,000, with an estimated Federal cost of \$262,500 and an estimated non-Federal cost of \$87,500.

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4258) is amended—

(1) by striking "\$500,000" and inserting "\$1,300,000"; and

(2) by striking "\$250,000" each place it appears and inserting "\$650,000".

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, 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. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

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

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

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

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

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96-367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

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

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall

apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96-367; 94 Stat. 1339).

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

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

(1) by striking “Secretary: *Provided, That*” and inserting the following: “Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to provide operation and maintenance for the project on a cost-reimbursable basis. The”;

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

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

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRANFORD HARBOR, CONNECTICUT.—

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

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

(b) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85-500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, 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 July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(c) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice

Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(d) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

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

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

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

(e) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, 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 August 30, 1935 (49 Stat. 1029), are deauthorized:

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

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

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

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, 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 August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

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

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

(h) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the "River and Harbor Act of 1910"), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, "East Boothbay Harbor, Maine, exam-

ination, 8-foot area", and dated August 9, 1955, Drawing Number F1251 D-6-2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

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

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

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 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 March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east

31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

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

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cochecho River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

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

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown 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 January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

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

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86-645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United

States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

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

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

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

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated

with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

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

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

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

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

SEC. 104. STUDIES.

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

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

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

(b) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 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. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

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

(d) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(e) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of the Act entitled "An Act authorizing the construction of cer-

tain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(f) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(g) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

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

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

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

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

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(j) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

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

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

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

(n) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

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

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

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

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

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(o) **BUFFALO HARBOR, NEW YORK.**—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

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

(q) **SHINNECOCK INLET, NEW YORK.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

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

(s) **COLUMBIA SLOUGH, OREGON.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(t) **WILLAMETTE RIVER, OREGON.**—The Secretary shall conduct a study to determine the Federal interest in carrying out a non-structural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) **LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled "Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania", dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

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

(v) **CHARLESTON, SOUTH CAROLINA.**—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

(w) **OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

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

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

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

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

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

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

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

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

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

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

(y) **ASHLEY CREEK, UTAH.**—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

(z) **PRINCE WILLIAM COUNTY, VIRGINIA.**—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) **PACIFIC REGION.**—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) **MORGANZA, LOUISIANA TO THE GULF OF MEXICO.**—

(1) **STUDY.**—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by Public Law 101-646, relating to the lock structure.

(2) **REPORT.**—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

TITLE II—PROJECT-RELATED PROVISIONS

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

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

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

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

SEC. 202. HEBER SPRINGS, ARKANSAS.

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

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

(c) **ADDITIONAL WATER SUPPLY STORAGE.**—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 203. MORGAN POINT, ARKANSAS.

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

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

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

SEC. 204. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 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 June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 205. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of \$156,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25

percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 206. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term "develop" means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term "South Florida ecosystem" means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

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

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the "conceptual plan").

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled "Conceptual Plan for the Central and Southern Florida Project Restudy", published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802);

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

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), as modified by section 204 of this Act;

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

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section 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 (33 U.S.C. 701-1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

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

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

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

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

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

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

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

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(ii) develop a strategy and priorities for implementing the components of the conceptual plan;

(iii) review programs, projects, and activities of agencies and entities represented on

the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

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

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) **AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.**—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

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

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

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

(B) **NOTICE OF MEETINGS.**—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

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

(6) **TRAVEL EXPENSES.**—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

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

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

Section 844 of the Water Resources Development Act of 1986 (Public Law 99-662; 100

Stat. 4177) is amended by adding at the end the following:

“(c) **COMMUNITY IMPACT MITIGATION PLAN.**—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).”.

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98-8 (97 Stat. 13).

SEC. 211. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

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

SEC. 212. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed \$3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

SEC. 214. LIBBY DAM, MONTANA.

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

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

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

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

SEC. 215. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

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

SEC. 216. CLIFFWOOD BEACH, NEW JERSEY.

(a) **IN GENERAL.**—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1180) for hurricane-flood protection

and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

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

SEC. 217. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) **DESCRIPTION OF NONNAVIGABLE AREA.**—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

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

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

is declared to be nonnavigable waters of the United States.

(b) **REQUIREMENT THAT AREA BE IMPROVED.**—

(1) **IN GENERAL.**—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) **APPLICABILITY OF FEDERAL LAW.**—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

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

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

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

(c) **EXPIRATION DATE.**—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

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

(a) **ACQUISITION OF EASEMENTS.**—

(1) **IN GENERAL.**—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri

River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T-152-N, R-104-W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

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

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

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

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

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

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

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

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

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

(b) FEASIBILITY STUDY.—

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

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 221. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 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 June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 222. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 223. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

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

"(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of \$1,900,000, with an estimated Federal cost of \$1,425,000, and an estimated non-Federal cost of \$475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States."

SEC. 224. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

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

SEC. 225. COOPER LAKE AND CHANNELS, TEXAS.

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

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

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

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

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

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law,

the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4136), shall be reduced by \$3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87-874; 76 Stat. 1177).

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

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f); and

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

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

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

(1) in paragraph (5), by striking "and" at the end;

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

(3) by adding at the end the following:

"(7) environmental protection and restoration: 25 percent."

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

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

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

"(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

"(A) the date on which the Secretary enters into such an agreement with respect to the information; or

“(B) the last day of the 2-year period beginning on the date of the determination.

“(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.”.

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

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

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

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

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

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

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

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

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

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

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

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

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

(A) there is no national dam safety program; and

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

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

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

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

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

“SECTION 1. SHORT TITLE.

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

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

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

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

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) BOARD.—The term ‘Board’ means a National Dam Safety Review Board established under section 8(h).

“(2) DAM.—The term ‘dam’—

“(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

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

“(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

“(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier; to the maximum water storage elevation; or

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

“(B) does not include—

“(1) a levee; or

“(ii) a barrier described in subparagraph (A) that—

“(I) is 6 feet or less in height regardless of storage capacity; or

“(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

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

“(4) FEDERAL AGENCY.—The term ‘Federal agency’ means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

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

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

“(7) HAZARD REDUCTION.—The term ‘hazard reduction’ means the reduction in the potential consequences to life and property of dam failure.

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

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

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

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

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

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

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

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

“SEC. 3. INSPECTION OF DAMS.

“(a) IN GENERAL.—As”;

(B) by adding at the end the following:

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

“(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

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

(6) in section 4 (as redesignated by paragraph (3)), by striking “SEC. 4. As” and inserting the following:

“SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

“As”;

(7) in section 5 (as redesignated by paragraph (3)), by striking “SEC. 5. For” and inserting the following:

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

“For”;

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

“SEC. 6. NATIONAL DAM INVENTORY.

“The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

“SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

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

“(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

“(2) chaired by the Director.

(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

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

“SEC. 8. NATIONAL DAM SAFETY PROGRAM.

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

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

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

“(3) include—

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

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

“(C) assistance for State dam safety programs described in subsection (f).

“(b) DUTIES.—The Director shall—

“(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

“(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

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

“(A) develop and implement the Program;

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

“(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

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

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

“(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

“(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

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

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

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

“(d) COMPONENTS.—

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

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

“(B) leadership activity, technical assistance activity, and public awareness activity.

“(2) ELEMENTS.—

“(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

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

“(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

“(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

“(3) FUNCTIONAL ACTIVITIES.—

“(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

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

“(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

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

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

“(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

“(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

“(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

“(A) in accordance with the criteria specified in paragraph (2); and

“(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

“(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

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

“(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

“(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

“(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

“(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

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

“(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

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

perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

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

“(viii) provision for necessary funds—

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

“(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

“(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

“(x) an identification of—

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

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

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

“(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

“(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

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

“(5) APPROVAL OF PROGRAMS.—

“(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

“(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

“(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

“(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

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

“(h) BOARD.—

“(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the ‘National Dam Safety Review Board’ to monitor State implementation of this section.

“(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

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

“(A) 1 member shall represent the Department of Agriculture;

“(B) 1 member shall represent the Department of Defense;

“(C) 1 member shall represent the Department of the Interior;

“(D) 1 member shall represent FEMA;

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

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

“(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

“(4) COMPENSATION OF MEMBERS.—

“(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

“(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

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

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

“SEC. 9. RESEARCH.

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

“(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

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

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

“SEC. 10. REPORTS.

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

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

“(1) describes the status of the Program;

“(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

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

“(4) includes any recommendations for legislative and other action that the Director considers necessary.”;

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

(A) by striking “SEC. 11. Nothing” and inserting the following:

“SEC. 11. STATUTORY CONSTRUCTION.

“Nothing”;

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

“(1) create”;

(C) by striking “or (2) to relieve” and inserting the following:

“(2) relieve”; and

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

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

(10) by adding at the end the following:

“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

“(a) FUNDING.—

“(1) NATIONAL DAM SAFETY PROGRAM.—

“(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), \$1,000,000 for fiscal year 1997, \$2,000,000 for fiscal year 1998, \$4,000,000 for fiscal year 1999, \$4,000,000 for fiscal year 2000, and \$4,000,000 for fiscal year 2001.

“(B) ALLOCATION.—

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

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

“(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

“(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

“(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

“(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

“(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

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

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

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

“(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 \$400,000 for each of fiscal years 1997 through 2001.

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

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking “the first section of Public Law 92-367 (33 U.S.C. 467)” and inserting “section 2 of the National Dam Safety Program Act”.

SEC. 304. HYDROELECTRIC POWER PROJECT UPGRATING.

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

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).

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

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

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

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

(2) specify—

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

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

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

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

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

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking “(b) PUBLIC PARTICIPATION.—”; and

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

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

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

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

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

(3) in the last sentence, by inserting “the planning, design, or” before “construction”.

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

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

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

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

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

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

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

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

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

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

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated \$1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

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

(1) in subsection (a), by inserting before the period at the end the following: “and to determine if the operation of the projects has contributed to the degradation of the quality of the environment”;

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

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

(4) by inserting after subsection (b) the following:

“(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

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

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

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

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

SEC. 314. FEASIBILITY STUDIES.

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

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

(2) by inserting after the first sentence the following: “During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).”; and

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

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

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

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

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

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

(1) in subsection (a)—

(A) by striking “Under emergency” and inserting “SUMMARY REMOVAL PROCEDURES.—Under emergency”; and

(B) by striking “expense” the first place it appears and inserting “actual expense, including administrative expenses,”;

(2) in subsection (b)—

(A) by striking “cost” and inserting “actual cost, including administrative costs,”; and

(B) by striking “(b) The” and inserting “(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The”; and

(3) by inserting after subsection (a) the following:

“(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).”

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 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 adding at the end the following:

"(C) LEVEE OWNERS MANUAL.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

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

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

"(4) DEFINITIONS.—In this subsection:

"(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

"(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

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

"(ii) does not include—

"(I) any improvement to the structure; or

"(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

"(C) SECRETARY.—The term 'Secretary' means the Secretary of the Army."

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

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

(1) the relationship between—

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

(B) minimum engineering and safety standards;

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

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

(b) TASK FORCE.—

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

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

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

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

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals rec-

ommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

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

(3) COMPENSATION.—

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

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

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

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

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

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

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

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: "The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day."; and

(B) by adding at the end the following:

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

(2) in subsection (c)—

(A) by striking "\$5,000,000" and inserting "\$10,000,000"; and

(B) by striking "1992" and inserting "1996".

SEC. 319. MELALEUCA TREE.

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

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

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

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

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

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

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

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

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

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed \$1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

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

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is \$14,000,000, with an estimated Federal cost of \$7,000,000 and an estimated non-Federal cost of \$7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term "New York State canal system" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

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

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

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used

by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

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

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4855) is amended by striking "1993 and 1994" and inserting "1995 and 1996".

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term "non-Federal public water supply customer" means—

- (A) the District of Columbia;
- (B) Arlington County, Virginia; and
- (C) the City of Falls Church, Virginia.

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

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

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

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

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

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

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

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

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

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal

public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed \$29,000,000 for fiscal year 1997 and \$24,000,000 for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require

so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed \$22,000,000 in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities,

water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) **LOCAL COOPERATION AGREEMENT.**—

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

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

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.**—

(1) **IN GENERAL.**—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) **COOPERATION.**—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) **DEMONSTRATION PROJECT.**—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Con-

gress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) **SALMON SURVIVAL ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) **ACCELERATED ACTIVITIES.**—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) **ADDITIONAL ACTIVITIES.**—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) **COORDINATION.**—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) **ADVANCED TURBINE DEVELOPMENT.**—

(1) **IN GENERAL.**—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of “fish-friendly” turbines, for use on the Columbia River hydro system.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$12,000,000 to carry out this subsection.

(c) **IMPLEMENTATION.**—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) **IN GENERAL.**—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the

period at the end the following: “and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected”.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORE PROTECTION.

(a) **IN GENERAL.**—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking “damage to the shores” and inserting “damage to the shores and beaches”; and

(2) by striking “the following provisions” and all that follows through the period at the end and inserting the following: “this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.”.

(b) **DEFINITION OF SHORE PROTECTION PROJECT.**—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking “Sec. 4. As used in this Act, the word ‘shores’ includes all the shorelines” and inserting the following:

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) **SHORE.**—The term ‘shore’ includes each shoreline of each”; and

(2) by adding at the end the following:

“(2) **SHORE PROTECTION PROJECT.**—The term ‘shore protection project’ includes a project for beach nourishment, including the replacement of sand.”.

SEC. 334. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) **NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

“SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **EROSION CONTROL PROGRAM.**—The term ‘erosion control program’ means the national shoreline erosion control development and demonstration program established under this section.

“(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

“(b) **ESTABLISHMENT OF EROSION CONTROL PROGRAM.**—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—The erosion control program shall include provisions for—

“(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

“(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

“(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

“(D) technology transfers to private property owners and State and local entities.

“(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

“(A) the development and demonstration of innovative technologies;

“(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

“(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

“(D) the avoidance of negative impacts to adjacent shorefront communities;

“(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

“(F) the potential for long-term protection afforded by the technology; and

“(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93-251; 42 U.S.C. 1962d-5 note), including—

“(i) adequate consideration of the subgrade;

“(ii) proper filtration;

“(iii) durable components;

“(iv) adequate connection between units; and

“(v) consideration of additional relevant information.

“(3) SITES.—

“(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

“(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

“(i) a variety of geographical and climatic conditions;

“(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

“(iii) the rate of erosion;

“(iv) significant natural resources or habitats and environmentally sensitive areas; and

“(v) significant threatened historic structures or landmarks.

“(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

“(i) the Atlantic, Gulf, and Pacific coasts;

“(ii) the Great Lakes; and

“(iii) the State of Alaska.

“(d) COOPERATION.—

“(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

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

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

“(C) private organizations;

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

“(E) university research facilities.

“(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

“(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

“(f) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

“(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.”.

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426(e)), is amended by striking “section 3” and inserting “section 3 or 5”.

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section 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 (33 U.S.C. 701-1(a)), is amended—

(1) in the ninth sentence, by striking “ninety” and inserting “30”; and

(2) in the eleventh sentence, by striking “ninety-day” and inserting “30-day”.

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

“(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

“(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

“(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

“(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

“(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

“(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

“(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund estab-

lished by section 9505 of the Internal Revenue Code of 1986.

“(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

“(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

“(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

“(4) APPLICABILITY.—

“(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

“(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

“(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.”.

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: “, dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility”.

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: “For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.”.

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended—

(1) by striking “\$3,000,000” and inserting “\$5,000,000”; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of \$5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-

5b(a)) is amended by inserting before the period at the end the following: “, except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest”.

SEC. 340. PLANNING ASSISTANCE TO STATES.

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

(1) in subsection (a), by inserting “, watersheds, and ecosystems” after “basins”;

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking “\$6,000,000” and inserting “\$10,000,000”; and

(B) by striking “\$300,000” and inserting “\$500,000”.

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1940), is amended to read as follows:

“SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

“(a) CONVEYANCES.—

“(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the ‘Bonneville Project Act of 1937’) (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93-251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the ‘city’), at no further cost to the city, all right, title, and interest of the United States in and to—

“(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the ‘community center lot’), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

“(B) the lot known as the ‘school lot’ and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

“(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

“(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

“(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(F) such easements as the Secretary of the Army considers necessary for—

“(i) sewer and water line crossings of relocated Washington State Highway 14; and

“(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

“(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

“(b) EFFECT OF CONVEYANCES.—

“(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

“(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

“(A) execute an acknowledgment of payment of just compensation;

“(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

“(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

“(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city’s acknowledgment and release described in paragraph (2), the Attorney General shall—

“(A) dismiss any pending litigation arising from the relocation of the city; and

“(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, aff’d in part and rev’d in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988).

“(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

“(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

“(B) execute a release of all claims for relief of any kind against the United States arising from this section.

“(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

“(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

“(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.”.

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100-581 (102 Stat. 2944) is amended—

(1) by striking “(a) All Federal” and all that follows through “Columbia River Gorge Commission” and inserting the following:

“(a) EXISTING FEDERAL LANDS.—

“(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled ‘Columbia River Treaty Fishing Access Sites Post Authorization Change Report’, dated April 1995,”; and

(2) by adding at the end the following:

“(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.”.

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated “Area D” on Exhibit A to Army Lease No. DACW-68-1-81-43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(C) the 20 acres of property commonly known as “Richland Bend” that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(D) the 7.05 acres of property commonly known as “Taylor Flat” that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(E) the 14.69 acres of property commonly known as “Byers Landing” that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW-68-1-77-10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(C) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and

appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. "Sonny" Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the "J. Bennett Johnston Waterway".

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the "J. Bennett Johnston Waterway".

SEC. 347. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking "(8662)" and inserting "(8862)".

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking "(8662)" and inserting "(8862)".

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. May I address the Senator from Nevada? Does the Senator from Nevada seek the floor for any particular purpose on this bill?

Mr. REID. To speak on the amendment.

Mr. STEVENS. Is the Senator willing to have a time agreement on that statement?

Mr. REID. No.

Mr. STEVENS. Mr. President, the amendment that is pending before the Senate in this bill, the 1997 appropriations bill, is that we establish a sepa-

rate transfer account for contingency operations. Moving into this account are the funds budgeted for the contingency operations from services' operations and maintenance accounts. In addition, the subcommittee added funding for emergency requirements identified by the Department of Defense. This amendment would transfer an additional \$4,200,000 from the Army's operation and maintenance account, and seek \$66 million from the defensewide operation and maintenance accounts. The funds were identified by the department as needed in support of contingency operations, but were not identified for previous transfer.

Mr. President, I ask unanimous consent there be a time limit on this amendment of 30 minutes with time equally divided.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, it is apparent that the Senators from Nevada are trying to hold up the Department of Defense, the people who are in the field serving this country, and to delay the consideration of this bill, as I said, which is a critical bill, with Members wanting to go back to their States because of this hurricane.

The rules of the Senate are the rules of the Senate, and there is not much this Senator can do about it. If the Senator from Nevada is going to persist to put us through the same gyrations we went through yesterday, I might say to my friend—he is my good friend—I am appalled at this, and I really am at a loss to consider what to do about it. Under the circumstances, it would be my intention to confer with the leadership to see what they would like to do.

Mr. President, might I say for the information of the Senate, it was my intention, and that of the Senator from Hawaii, to proceed now to a series of amendments that have been cleared by all concerned, have been reviewed by Members on both sides and are prepared to be added to this bill. I do think that the problem is, how do we get this bill to a vote today. And I am still proceeding to try and find out how to do that.

Mr. President, let me outline these amendments that I am trying to get considered. Let me point out to the Senate we have an amendment by Senator BINGAMAN which would reduce the amount for the Pentagon renovation fund by \$100 million. We have cleared that. We have an amendment by Senator CHAFEE for the Defense Technical Transfer Pilot Program that has been cleared. Senators KEMPTHORNE and CRAIG have an amendment related to the Army's mobile munition assessment system that has been cleared. Senator LIEBERMAN's amendment adjusting funding levels for the Corps SAM and Other Theater Missile Defense/Follow-On TMD Activities Program. Those have been cleared.

I have an amendment to make available \$11.5 million for B-52 bomber modifications. I have an amendment regarding the CAMP Program and an amendment to provide moneys for P-3 aircraft personnel offset by a reduction in defense health and also provides additional money for B-52 squadron personnel. We have a series of other amendments that we are in the process of clearing. I tell the Senate that there are some 20 other amendments ready to go to be debated now. We have an additional series here that I believe will be cleared, and the amendment that is pending has been cleared. I hope we will be able to proceed with those. It does seem to me however, it is just an exercise in futility to have a filibuster on a defense bill. I intend to do what I can to thwart that.

Mr. President, in my judgment, this bill is the key to our being able to complete action on appropriations bills and get the whole subject cleared by the end of the fiscal year. My good friend and our chairman, Senator HATFIELD, is retiring this year. I want to do my best to assure that the key bills that we have, all the appropriations bills, are sent to conference before the August recess.

In my judgment, if we have to give up the August recess to do that, we should do it. If we are going to have filibusters on every bill, then so be it. We will have to break them. It seems this is an unfortunate circumstance.

Let me describe, for instance, this B-52 modification amendment. It provides \$11.5 million within the account that is already outlined in the bill to modify the B-52 aircraft. These are required to maintain the combat effectiveness of the aircraft, should they be called upon once again to fly combat missions. They are going to be offset by a decrease in funds available to the F-15 fighter in the same account. I think we can do that because we can still proceed with the F-15. There has been a delay in the projected contract award, and the fighter data link program will remain fully funded for 1997, according to the maximum amount that can be spent. We believe we should provide these moneys. There is an initiative by the Senators from North Dakota to assure the current floor structure be preserved, and we are trying to prevent attrition of these aircraft. That is one of the amendments I have, and I am seeking to get approval today at this time.

We are also going to add \$4.9 million to the Navy's personnel account and \$4.4 million to the Air Force personnel account to allow the Navy to maintain an end-strength support of the P-3 squadron, and the Air Force to maintain the personnel necessary to carry out the B-52 mission as outlined by the Senators from North Dakota.

We are trying to cooperate as much as possible with many people on the other side of the aisle. I might say, all of these pending amendments are to make sure that amendments to the au-

thorization bill by Members of the minority would be fully funded.

Our leader is here, and I want to yield to the leader, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S. 1936 and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:

Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATION FOR FISCAL YEAR 1997

CLOTURE MOTION

Mr. STEVENS. Mr. President, I send to the desk a motion to invoke cloture on the passage of the pending bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1894, the Defense Appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Fred Thompson, Dan Coats, Charles Grassley, Richard G. Lugar, Don Nickles, Mark O. Hatfield, Craig Thomas, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Hank Brown.

Mr. STEVENS. Mr. President, I simply say to my friend from Nevada that we can either proceed with the Defense bill and finish it today, or if he wishes to try to filibuster this bill, if he will not agree to a time agreement, it is my recommendation to the leader that we recess until Monday and have the votes on the cloture. That means we will take up the nuclear waste bill first and when we get cloture on that, we will vote on it, and when we are finished with that, we will finish the Defense appropriation bill.

Mr. LOTT. Mr. President, I thank the distinguished managers of this very important legislation: Senator STE-

VENNS, who is the chairman of the Defense Appropriations Subcommittee, and Senator INOUE, the great Senator from Hawaii. They always do a magnificent job on this legislation. It is legislation that is very, very important to the defense of our country and carrying out our commitments here in this country and around the world. We have troops in Bosnia right now that have a very important role they are trying to carry out. The President is committed to that. They need the funds that are necessary to do their job wherever they are in the world, where sailors are steaming today. They are looking to us to provide the funds. There are very important funds in this legislation for every state that our military men and women are serving in, and we need to get this done. We have 7 weeks left in this year. We have 12 appropriations bills to get done, including this one. We must get that done or we cannot go home. We must get started, and we can complete this bill, I think, very quickly.

Now, what has happened—I understand the concern by the Senators from Nevada about the nuclear waste issue. By forcing my hand to do these cloture motions, it has speeded up the time in which this issue will come to a head. I had planned on not filing a cloture motion on the nuclear waste issue until Friday and the vote would have occurred on Tuesday, but now it really is bringing it up sooner than it would have otherwise.

Mr. President, this is an urgent, important issue for our country. There is dangerous, radioactive nuclear waste stored in cooling pools all over this country from Vermont to Minnesota to Idaho to South Carolina. This has been an issue for 10 years which the Congress and the governments, the administrations, Republican and Democrat, have not sufficiently addressed. Countries like Sweden, France, Britain, and Japan have stepped up to this issue of how we deal with the temporary and permanent storage of nuclear waste, but in America we have not been able to bring ourselves to do it.

At the same time, the ratepayers have paid millions, in fact, billions of dollars to move toward a time when we would have a permanent storage site for nuclear waste. Do we wish it would go away? Of course. We cannot wish it away. It is there. Something must be done. This nuclear waste legislation is probably the most important environmental legislation this Congress or any Congress will consider.

(Mr. INHOFE assumed the chair.)

Mr. LOTT. Mr. President, we cannot stick our heads in the sand. If we do, we will probably be radioactive. We have to step up to this issue. This is a bipartisan bill. This is a bill that Senator MURKOWSKI has worked very hard on, as have Senator CRAIG of Idaho and Senator BENNETT JOHNSTON. We cannot just ignore it. Do I want to bring it up now at a time when we are trying to work together to move Presidential