

**Public Law 102-580**  
**102d Congress**

**An Act**

**To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.**

**Oct. 31, 1992**  
**[H.R. 6167]**

**Water Resources Development Act of 1992.**  
**33 USC 2201 note.**

*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 1992".

(b) TABLE OF CONTENTS.—

**Sec. 1. Short title; table of contents. Sec. 2. Findings.**

**Sec. 3. Secretary defined.**

**TITLE I—WATER RESOURCES PROJECTS**

**Sec. 101. Project authorizations.**

**Sec. 102. Project modifications.**

**Sec. 103. Visitor centers.**

**Sec. 104. Small navigation projects.**

**Sec. 105. Small flood control projects.**

**Sec. 106. Sonoma baylands wetland demonstration project.**

**Sec. 107. Upper Mississippi River plan.**

**Sec. 108. Quarantine facility.**

**Sec. 109. Columbia, Snake, and Clearwater Rivers.**

**Sec. 110. Outer Harbor, Buffalo, New York.**

**Sec. 111. Small stream bank control protect, Walnut Canyon Creek, California. Sec. 112. Montgomery Point Lock and Dam, Arkansas.**

**Sec. 113. Major rehabilitation.**

**Sec. 114. Studies.**

**Sec. 115. Continuation of authorization of certain projects and studies.**

**Sec. 116. Project deauthorizations.**

**Sec. 117. Deauthorization of a portion of the Canaveral Harbor, Florida, project Sec. 118. Namings.**

**TITLE II—GENERALLY APPLICABLE PROVISIONS**

- Sec. 201. Ability to pay.
- Sec. 202. Projects for improvements of the environment.
- Sec. 203. Voluntary contributions for environmental and recreation projects.
- Sec. 204. Beneficial uses of dredged material.
- Sec. 205. Definition of rehabilitation for inland waterway projects.
- Sec. 206. Construction of shoreline protection projects by non-Federal interests.
- Sec. 207. Cost-sharing for disposal of dredged material on beaches.
- Sec. 208. Fees for development of State water plans.
- Sec. 209. Dam safety program extension.
- Sec. 210. Safety award and promotional materials.
- Sec. 211. Work for others.
- Sec. 212. Use of private sector resources in surveying and mapping.
- Sec. 213. Use of domestic products.
- Sec. 214. Rural project evaluation and selection criteria.
- Sec. 215. Compensation of Corps of Engineers employees.
- Sec. 216. Dredged material disposal areas.
- Sec. 217. Reuse of waste water.
- Sec. 218. Demonstration of waste water technology, Santa Clara Valley Water District and San Jose, California.
- Sec. 219. Environmental infrastructure.

- Sec. 220. Environmental infrastructure assistance for Benton and Washington Counties, Arkansas.
- Sec. 221. Environmental infrastructure assistance for Erie County, New York.
- Sec. 222. Environmental infrastructure assistance for Lewiston, New York.
- Sec. 223. Board of Engineers.
- Sec. 224. Channel depths and dimensions.
- Sec. 225. Challenge cost-sharing program for the management of recreation facilities.
- Sec. 226. Debarment of persons convicted of fraudulent use of “Made in America” labels.

#### TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Extension of jurisdiction of Mississippi River Commission.
- Sec. 302. New York City zebra mussel program.
- Sec. 303. Susquehanna River, Pennsylvania.
- Sec. 304. Broad Top region of Pennsylvania.
- Sec. 305. Construction of boat ramps and docks at J. Strom Thurmond Lake, Georgia.
- Sec. 306. West Virginia trailhead facilities.
- Sec. 307. Water quality projects.
- Sec. 308. Baltimore Harbor, Maryland.

- Sec. 309. Additional studies.**
- Sec. 310. Rend Lake, Illinois.**
- Sec. 311. Portugese and Bucana Rivers, Puerto Rico.**
- Sec. 312. Little Goose and Lower Granite, Washington.**
- Sec. 313. South Central Pennsylvania environmental restoration infrastructure and resource protection development pilot program.**
- Sec. 314. Illinois ana Michigan Canal.**
- Sec. 315. Virginia Beach, Virginia, technical amendments.**
- Sec. 316. Transfer facility for beneficial uses of dredged material, San Francisco Bay.**
- Sec. 317. Pikeville Lake, Kentucky.**
- Sec. 318. Raystown Lake, Pennsylvania.**
- Sec. 319. Santa Rosa plain, California.**
- Sec. 320. Klamath Glen levee, California.**
- Sec. 321. Phoenix, Arizona.**
- Sec. 322. Water supply needs of Mahoning Valley Sanitary District, Ohio.**
- Sec. 323. Sault Sainte Marie, Michigan.**
- Sec. 324. Hackensack Meadowlands area, New Jersey.**
- Sec. 325. Land exchange, Allatoona Lake, Georgia.**
- Sec. 326. New York Bight and Harbor study.**
- Sec. 327. Availability of contaminated sediments information.**
  - Sec. 328. Milwaukee Harbor, Wisconsin.**
  - Sec. 329. Arthur Kill, New York and New Jersey.**
  - Sec. 330. Harbor Maintenance Trust Fund deposits and expenditures.**
  - Sec. 331. Conemaugh River Basin, Pennsylvania.**
  - Sec. 332. Transfer of locks and appurtenant features, Fox River System, Wisconsin.**
  - Sec. 333. Fish and wildlife mitigation.**
  - Sec. 334. Chesapeake Bay beneficial use site management.**
  - Sec. 336. Declaration of nonnavigability for portions of Cuyahoga County, Ohio.**
  - Sec. 336. Lockwoods Folly River, Brunswick County, North Carolina.**
  - Sec. 337. Port Everglades, Florida.**
  - Sec. 338. 1993 World University Games.**
  - Sec. 339. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.**
  - Sec. 340. Southern West Virginia environmental restoration infrastructure and resource protection development pilot program.**
  - Sec. 341. Tennessee River Heritage Museum and Education Facility.**
  - Sec. 342. Tennessee Valley Exhibit Commission of**

**Alabama.**

- Sec. 343. Red Rock Dam and Lake, Iowa.**
- Sec. 344. Environmental project modifications, Sacramento River, California.**
- Sec. 345. Bank stabilization and marsh creation.**
- Sec. 346. Connecticut coastal saltmarsh restoration authorization.**
- Sec. 347. Winfield, Buffalo, and Eleanor, West Virginia.**
- Sec. 346. Land conveyance, city of Fort Smith, Arkansas.**
- Sec. 349. Rahway River, New Jersey.**
- Sec. 360. San Francisco Bay, California.**
- Sec. 361. Flood warning response system.**
- Sec. 362. Tarrant County, Texas.**
- Sec. 363. Release of certain use restriction.**
- Sec. 364. Fort Point, Galveston, Texas.**
- Sec. 366. Presidio of San Francisco, California.**
- Sec. 366. Sediment management strategy for Maumee River, Toledo Harbor.**
- Sec. 367. Southeast light on Block Island, Rhode Island.**
- Sec. 368. Allendale Dam, North Providence, Rhode Island.**
- Sec. 369. Lake Degray water supply.**
- Sec. 360. Souris River, North Dakota.**
- Sec. 361. Abandoned and wrecked barge removal.**
- Sec. 362. Quonset Point-Davisville, Rhode Island.**
- Sec. 363. Stillwater, Minnesota.**
- Sec. 364. Stormwater discharges.**

**TITLE IV—INFRASTRUCTURE TECHNOLOGY,  
RESEARCH AND DEVELOPMENT**

- Sec. 401. International outreach program.**
- Sec. 402. Marine technology review.**
- Sec. 403. La Guardia Dike, New York.**
- Sec. 404. Atlantic Coast of New York.**
- Sec. 406. Sediments decontamination technology.**

**TITLE V—CONTAMINATED SEDIMENT AND  
OCEAN DUMPING**

**Sec. 601. Short title and definitions.**

**Sec. 602. National Contaminated Sediment Task Force.**

**Sec. 603. Sediment survey and monitoring.**

**Sec. 604. Concurrence by the Administrator.**

**Sec. 606. State ocean dumping requirements.**

**Sec. 606. Site designation.**

**Sec. 607. Permit conditions.**

**Sec. 608. Ocean dumping penalties.**

**Sec. 609. Authorization of appropriations.**

**Sec. 610. Report to Congress.**

**SEC. 2. FINDINGS.**

Congress finds that—

(1) a sound and strong infrastructure is the essential core and foundation of the Nation's economic well-being and growth and its ability to compete in the global economy;

(2) the Nation's infrastructure has been sorely neglected for years, and there is a desperate need at every level of government to increase infrastructure investment for the benefit of future generations;

(3) it is the responsibility of the Federal Government to provide coordination, direction, and assistance in the restoration and maintenance of a sound infrastructure, including a national transportation system involving surface, air, and water transportation and facilities for restoration and preservation of water quality, prevention of damages from floods, and provision of hydroelectric power and municipal and industrial water supplies;

(4) it should be a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner;

(5) the Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, water pollution, and the need to rebuild the Nation's infrastructure;

(6) a national intermodal transportation system is a coordinated, flexible network of diverse but

complementary forms of transportation which moves people and goods in the most efficient manner;

(7) a national intermodal transportation system will enhance the ability of United States industry to compete in the global marketplace by reducing transportation costs;

(8) all forms of transportation, including the transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development and productivity growth;

(9) investment in the infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(10) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(11) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(12) failure to invest in the Nation's infrastructure has placed the United States in danger of becoming a service-oriented economy rather than having a strong and independent manufacturing-based economy;

(13) foreign competitors in the global economy have surpassed the Nation's productivity growth through massive infrastructure investments, and many foreign competitors have committed to making multi-trillion dollar infrastructure investments in the future;

(14) the improvement of the Nation's coastal ports is critical to its ability to compete in the global economy through the efficient import and export of goods;

(15) the improvement of the Nation's inland waterway system is a central part of a national intermodal transportation system which permits the efficient transport of goods between markets within the Nation and between inland markets and coastal ports;

(16) the prevention of massive flood damages to the Nation's cities, industries, cultural facilities, municipal facilities, and transportation

system plays a vital role in the protection of the Nation's infrastructure and the efficient conduct of commerce;

(17) the provision of municipal and industrial water supply plays a crucial role in the well-being and functioning of the Nation's communities and industries and in the health, environment, and quality of life of the Nation;

(18) the generation of hydroelectric power contributes significantly to the Nation's supply of low-cost energy and plays a significant role in reducing air pollution;

(19) the provision of recreational opportunities and the protection and enhancement of fish and wildlife habitat and environmental values contribute to the well-being of the people of the Nation; and

(20) improvement and protection of the Nation's infrastructure is an essential, proper, and necessary role of government at all levels.

**SEC. 3. SECRETARY DEFINED.**

**33 USC**

**2201**

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

**TITLE I—WATER RESOURCES PROJECTS**

**SEC. 101. PROJECT AUTHORIZATIONS.**

Except as 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) **SOUTHEAST ALASKA HARBORS OF REFUGE, ALASKA.**—The project for navigation, Southeast Alaska Harbors of Refuge, Alaska: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$15,013,000, with an estimated Federal cost of \$11,250,000 and an estimated non-Federal cost of \$3,763,000.

(2) **WHITEMAN'S CREEK, ARKANSAS.**—The project for flood control, Whiteman's Creek, Arkansas: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$4,978,000, with an estimated Federal cost of \$2,838,000 and an estimated non-Federal cost of \$2,140,000.

(3) **MORRO BAY HARBOR, CALIFORNIA.**—The project for navigation, Morro Bay Harbor, California: Report of the Chief of Engineers, dated June 4, 1992, at a total cost of \$2,056,000, with an estimated Federal cost of \$1,644,000 and an estimated non-Federal

cost of \$412,000.

(4) **SACRAMENTO METRO AREA, CALIFORNIA.**—The project for flood control, Sacramento Metro Area, California: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$17,000,000, with an estimated Federal cost of \$12,800,000 and an estimated non-Federal cost of \$4,200,000.

(5) **Rio grande alamosa, Colorado.**—The project for flood control, Rio Grande Alamosa, Colorado: Report of the Chief of Engineers, dated October 7, 1991, at a total cost of \$7,080,000, with an estimated Federal cost of \$6,250,000 and an estimated non-Federal cost of \$1,830,000.

(6) **DELAWARE RIVER MAIN STEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.**—The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$294,931,000, with an estimated Federal cost of \$195,767,000 and an estimated non-Federal cost of \$99,164,000.

(7) **Canaveral harbor, Florida.**—The project for navigation, Canaveral Harbor, Florida: Report of the Chief of Engineers, dated July 24, 1991, as modified by the letter of the Secretary dated October 10, 1991, at a total cost of \$11,780,000, with an estimated Federal cost of \$6,100,000 and an estimated non-Federal cost of \$5,680,000.

(8) **Kissimmee river restoration, Florida.**—The project for the ecosystem restoration of the Kissimmee River, Florida: Report of the Chief of Engineers, dated March 17, 1992, at a total cost of \$426,885,000, with an estimated Federal cost of \$139,943,000 and an estimated non-Federal cost of \$286,942,000. The Secretary is further authorized to construct the Kissimmee River headwaters revitalization project in accordance with the report prepared under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 42514252) for such headwaters project and any modifications as are recommended by the Secretary based on the benefits derived for the environmental restoration of the Kissimmee River basin, at a total cost of \$92,210,000, with an estimated Federal cost of \$46,105,000 and an estimated non-Federal cost of \$46,105,000. The Secretary shall take such action as may be necessary to ensure that implementation of the project to restore the Kissimmee River will maintain the same level of flood protection as is provided by the current flood control project.

(9) **Port everglades harbor, Florida.**—The project for navigation,



Port Everglades Harbor, Florida: Report of the Chief of Engineers, dated September 23, 1991, at an annual cost of \$94,500.

(10) **Savannah harbor, georgia and south Carolina.**— The project for navigation, Savannah Harbor, Georgia and South Carolina: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of \$47,416,000, with an estimated Federal cost of \$15,112,000 and an estimated non-Federal cost of \$32,304,000. The Secretary is authorized to increase the Federal cost share of the recommended plan in accordance with the cost-sharing provisions of the Water Resources Development Act of 1986 (Public Law 99-662) if the Secretary determines that such an increase is warranted and appropriate.

(11) **Amite river and tributaries, Louisiana.**—The project for flood control, Amite River and Tributaries, Louisiana: Report of the Chief of Engineers, dated August 27, 1991, as modified by the letter of the Secretary, dated January 28, 1992, at a total cost of \$65,902,000, with an estimated Federal cost of \$32,951,000 and an estimated non-Federal cost of \$32,951,000.

(12) **Saugus river and tributaries, Massachusetts.**— The project for flood control, Saugus River and Tributaries, Massachusetts: Report of the Chief of Engineers, dated August 1, 1990, at a total cost of \$95,700,000, with an estimated Federal cost of \$61,360,000 and an estimated non-Federal cost of \$34,340,000.

(13) **Las vegas wash and tributaries, Nevada.**—The project for flood control, Las Vegas Wash and Tributaries, Nevada: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$204,300,000, with an estimated Federal cost of \$144,000,000 and an estimated non-Federal cost of \$60,300,000. The Secretary is further authorized to construct recreation features as proposed in the draft Feasibility Report and Environmental Impact Statement for Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), dated July 1990, at a total cost of \$10,000,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$5,000,000.

(14) **MOREHEAD CITY HARBOR, NORTH CAROLINA.**—The project for navigation, Morehead City Harbor, North Carolina: Report of the Chief of Engineers, dated May 21, 1991, at a total cost of \$10,030,000, with an estimated Federal cost of \$6,360,000 and an estimated non-Federal cost of \$3,670,000.

(15) **West onslow and new river inlet, north Carolina.**—The project for flood control, West Onslow and New River Inlet, North Carolina:

Report of the Chief of Engineers, dated November 19, 1991, at a total cost of \$14,100,000, with an estimated Federal cost of \$7,600,000 and an estimated non-Federal cost of \$6,500,000.

**(16) Lackawanna river at olyphant, Pennsylvania.**— The project for flood control, Lackawanna River at Olyphant, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$11,354,000, with an estimated Federal cost of \$7,691,000 and an estimated non-Federal cost of \$3,663,000.

**(17) Lackawanna river at scranton, Pennsylvania.**— The project for flood control, Lackawanna River at Scranton, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of \$15,117,000, with an estimated Federal cost of \$11,344,000 and an estimated non-Federal cost of \$3,773,000.

**(18) Locks and dams 2, 3, and 4, monongahela river, Pennsylvania.**—The project for navigation, Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of \$556,400,000. The costs of construction of the project are to be paid *V2* from amounts appropriated from the general fund of the Treasury and *Vfe* from amounts appropriated from the Inland Waterways Trust Fund.

**(19) Rio grande de loiza, Puerto rico.**—The project for flood control, Rio Grande De Loiza, Puerto Rico: Report of the Chief of Engineers, dated March 5, 1992, at a total cost of \$122,285,000, with an estimated Federal cost of \$97,009,000 and an estimated non-Federal cost of \$25,276,000.

**(20) Sargent beach, texas.**—The project for navigation, Sargent Beach, Texas: Report of the Chief of Engineers, dated June 25, 1992, at a total cost of \$67,667,000. The costs of construction of the project are to be paid *Vi* from amounts appropriated from the general fund of the Treasury and *Ya* from amounts appropriated from the Inland Waterways Trust Fund.

**(21) SHOAL CREEK, AUSTIN, TEXAS.**—The project for flood control, Shoal Creek, Austin, Texas: Report of the Chief of Engineers, dated June 16, 1992, at a total cost of \$6,808,000, with an estimated Federal cost of \$6,106,000 and an estimated non-Federal cost of \$1,702,000.

**(22) SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.**—The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia: Report of the Chief of Engineers,

dated June **29, 1992**, at a total cost of **\$8,850,000**, with an estimated Federal cost of **\$5,750,000** and an estimated non-Federal cost of **\$3,100,000**.

**SEC. 102. PROJECT MODIFICATIONS.**

(a) **TENNESSEE-TOMBIGBEE WATERWAY, ALABAMA AND MISSISSIPPI.—**

(1) In **general**.—The Tennessee-Tombigbee Waterway Wildlife Mitigation project, Alabama and Mississippi, authorized by section **601(a)** of the Water Resources Development Act of **1986 (100 Stat. 4138)**, is modified to authorize—

(A) the Secretary to review lands acquired for the project to determine if such lands can be made available for related project uses (including port, industrial, and other community or regional economic development endeavors);

(B) the Secretary to sell or exchange any lands which are determined by the Secretary to be available for such related uses; and

(C) the Secretary to acquire from willing sellers lands to replace any lands sold or exchanged by the Secretary under this subsection.

(2) **LIMITATIONS**.—Lands acquired under this subsection shall fully replace lost wildlife habitat value. Acquisition of lands under this subsection may be by purchase, exchange, or a combination thereof. Sales, exchanges, and acquisitions under this subsection shall be at fair market value and shall be with the consent of appropriate Federal and State fish and wildlife agencies. No lands may be sold under this subsection until replacement lands have been acquired under this subsection. Management of lands acquired under this subsection and reimbursement of costs with respect to such lands shall be the same as for lands acquired for the project before the date of the enactment of this Act.

(b) **Goleta and Vicinity, California**.—The project for flood protection, Santa Barbara County Coastal Streams and tributaries in the area of Goleta, California, authorized by section **201** of the Flood Control Act of **1970 (84 Stat. 1862)**, is modified to authorize the Secretary to carry out the recommendations contained in the report of the Chief of Engineers relating to flood protection for Goleta and vicinity, California, dated March **25, 1991**, at a total cost of \$6,800,000, with an estimated Federal cost of \$4,800,000

and an estimated non-Federal cost of \$2,000,000.

(c) **OCEANSIDE HARBOR, CALIFORNIA.**—The project for navigation, Oceanside Harbor, California, authorized by the River and Harbor Act of 1965 (79 Stat. 1092), is modified to authorize the Secretary to repair, operate, and maintain the extension of the south jetty constructed in 1968.

(d) **SAN LEANDRO MARINA, CALIFORNIA.**—

(1) **MAINTENANCE OF SOUTHERN CHANNEL.**—The project for navigation, San Leandro Marina, Jack D. Maltester Channel, California, authorized under section 201 of the Flood Control Act of 1965 by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives on June 22, 1971, and adopted by the Committee on Environment and Public Works of the Senate on December 15, 1970, is modified to direct the Secretary to maintain the 8-foot deep and 100-foot wide access channel extending from the southern auxiliary access channel to the boat launching ramp in the small boat lagoon.

(2) **DEAUTHORIZATION OF NORTHERN CHANNEL.**—The northern auxiliary access channel of the project referred to in paragraph (1) is not authorized after the date of the enactment of this Act.

(3) **NAMING OF SOUTHERN CHANNEL.**—

(A) **DESIGNATION.**—The southern auxiliary channel referred to in paragraph (1) shall be known and designated as the “Jack D. Maltester Channel”.

(B) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the channel referred to in subparagraph (A) shall be deemed to be a reference to the Jack D. Maltester Channel”.

(e) **CROSS FLORIDA BARGE CANAL.**—Section 1114 of the Water Resources Development Act of 1986 (16 U.S.C. 460tt) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **Contract for Continued O&M.**— **Florida.**

“(1) **IN GENERAL.**—During the period beginning on November 28, 1992, and ending on September 30, 1993, the Secretary is authorized and directed to offer to enter into a contract with the St. Johns River Water Management District and the Southwest Florida Water Management District of the State of Florida for the continued

operation and maintenance by the Secretary of the portions of the project described in subsection (d). The maintenance shall be performed at a level of service that is necessary to ensure safe operating conditions and to prevent deterioration of the structures. No major rehabilitations or renovations shall be performed by the Secretary in such portions of the project during such period.

“(2) **FUNDING.**—Funding for the continued operation and maintenance of the barge canal project by the Secretary under this subsection shall not exceed \$300,000. The State of Florida shall pay a non-Federal share of \$600,000 to fund the continued maintenance of the portions of the project described in subsection (d) in accordance with paragraph (1).”.

**(f) O’HARE SYSTEM OF THE CHICAGOLAND UNDERFLOW PLAN, ILLINOIS.** —The project for flood control, O’Hare System of the Chicagoland Underflow Plan, Illinois, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to construct the project, at a total cost of \$29,000,000, with an estimated Federal cost of \$17,800,000 and an estimated non-Federal cost of \$11,200,000.

**(g) ILLINOIS RIVER, ILLINOIS.**—The project for inland navigation, Illinois River, Illinois, authorized by the Rivers and Harbors Act of 1935 (49 Stat. 1035), is modified to direct the Secretary to acquire dredged material disposal areas for such project, at a total Federal cost of not to exceed \$7,000,000.

**(h) SOUTH FRANKFORT, KENTUCKY.**—The **project for flood protection, South Frankfort, Kentucky, authorized by section 102(o) of the Water Resources Development Act of 1990 (104 Stat. 4613)**, is modified to provide that the cost of conducting preconstruction engineering and design **for the project** shall not be included in the computation **for** determining the benefit-coBt ratio **for the project**.

**(i) LOCKS AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI.**—Section 102(1) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended by inserting before the period at the end of the last sentence or other non-Federal interests”.

**(j) LAKE PONTCHARTRAIN, LOUISIANA.**—The project for hurricane-flood protection on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is

modified—

(1) to direct the Secretary to construct measures to intercept and convey drainage from the landside slopes of project levees in Jefferson Parish, Louisiana, directly to the existing drainage system;

(2) to direct the Secretary to reevaluate the benefits of the constructed portions of the project which accrue to St. Bernard Parish and to the Lake Borgne Basin Levee District for the purposes of determining the portion of the benefits which were expected to accrue to the parish and district but which were not realized;

(3) to direct the Secretary to reduce the non-Federal share of the capital costs and operation and maintenance attributable to the parish and district by the percentage of the expected benefits which were not realized; and

(4) to provide that the parish and district shall not be required to make payments on their respective non-Federal responsibilities until the Secretary has made the reductions, if any, under paragraph (3).

In carrying out paragraphs (2) and (3), the Secretary shall utilize results of the study conducted under section 116(k) of the Water Resources Development Act of 1990 and any other relevant information.

**(k) PARISH CREEK, SHADY SIDE, MARYLAND.—The project for navigation, Parish Creek, Shady Side, Maryland, authorized by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1031), is modified to reduce the length of the western boundary of the turning basin by 100 feet.**

(1) **BUFFUMVILLE LAKE, MASSACHUSETTS.—**The flood control project for Buffumville Lake, Massachusetts, authorized by section

3 of the Flood Control Act of August 18, 1941 (55 Stat. 639), is modified to add low flow augmentation as a project purpose and to direct the Secretary to operate the project to improve water quality on the French River, Connecticut and Massachusetts.

**(m) SOUTH FORK ZUMBRO RIVER, MINNESOTA.—The project for flood control, South Fork Zumbro River Watershed, Rochester, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to authorize the Secretary to construct the project at a total cost of \$123,100,000, with an estimated Federal cost of \$90,800,000 and an estimated non-Federal cost of \$32,300,000.**

**(n) NEW MADRID HARBOR, MISSOURI.—**The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to assume responsibility for maintenance of New Madrid County Harbor constructed by non-Federal interests before the date of the enactment of this Act in lieu of maintaining the existing Federal channel.

**(o) PAPIILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA.—**The project for flood control, Papillion Creek and Tributaries Lakes, Nebraska, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 743) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report, dated April 1992, at a total cost of \$12,469,000, with an estimated Federal cost of \$8,783,000 and an estimated non-Federal cost of \$3,686,000.

**(p) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—**Section 101(aX18) of the Water Resources Development Act of 1990 (104 Stat. 4607-4610) is amended—

(1) by **adding at the end of Subparagraph (A) the following new clause:**

**“(vi) FLOOD WARNING SYSTEM.—**The Secretary is authorized to establish, operate, and maintain, at full Federal expense, the Passaic River flood warning system element of the project before completion of construction of the tunnel element of the project. ;

(2) in subparagraph (B) by striking “Jackson” and inserting “Brill”;

(3) in subparagraph (B) by striking “\$6,000,000” and inserting

“\$25,000,000”;

(4) in subparagraph (B) by striking “and scenic overlook facilities” and inserting “scenic overlook facilities, and public access to Route 21”;

(5) in subparagraph (B) by inserting after the first sentence the following new sentence: “The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center”;

(6) in **Subparagraph (B)** by striking “may be undertaken” and inserting “shall be undertaken”;

(7) in the first sentence of subparagraph (CXvi) by inserting after “Tor” the first place it appears “The purpose of assuring the integrity or”;

(8) in subparagraph (CXvii) by inserting “the additional” after “Act, the fair market value of”;

(9) in subparagraph (CXvii) by inserting “integrity of the” before “Wetlands Bank”;

(10) in subparagraph (C)(vii) by inserting “and any other flood control project in the Passaic River basin” after “by this paragraph”;

(11) in subparagraph (C)(viii) by striking “for the Wetlands Bank” and inserting “in accordance with clauses (ii) and (vi)”;

(12) in subparagraph (C)(viii) by inserting “and financial” after “economic .

**(q) RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.—The project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181), is modified to provide periodic beach nourishment for Cliffwood Beach for 50 years.**

**(r) SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.—**The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that costs incurred by the non-Federal interests to stabilize the seawall at Belmar and Spring Lake, New Jersey, shall be credited, to the extent that the Secretary determines that the work of stabilizing the seawall is compatible with the project, against the non-Federal share of the cost of construction and maintenance of section 2 of the project (Asbury Park to Manasquan).

**(s) RIO GRANDE FLOODWAY, NEW MEXICO.—**Notwithstanding any



other provision of law, the project for flood control, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico, authorized by section 203 of the Flood Control Act of 1948 (Public Law 80-858) and amended by section 204 of the Flood Control Act of 1950 (Public Law 81—516), is modified to more equitably reflect the non-Federal benefits from the project in relation to the total benefits of the project by reducing the non-Federal contribution for the project by that percentage of benefits which is attributable to the Federal properties; except that, for purposes of this subsection, Federal property benefits may not exceed 50 percent of the total project benefits.

(t) **Jones Inlet, New York.**—The project for navigation, Jones Inlet, New York, is modified to authorize and direct the Secretary to conduct a reconnaissance and feasibility study on placing noncontaminated dredged material on beach areas downdrift from the federally maintained channel at full Federal expense for purposes of mitigating environmental and other attendant damages resulting from the interruption of littoral **ByBtem** natural processes caused by jetty construction and continued dredging of the Federal channel.

(u) **WESTHAMPTON BEACH, NEW YORK.**—The project for beach erosion control and hurricane protection for Westhampton Beach, New York, authorized by the Water Resources Development Act of 1974, and modified by the Water Resources Development Act of 1986, is further modified to extend the period of beach nourishment for 30 years from the date of project completion. The non-Federal share of project costs shall not exceed 35 percent of the total project cost as provided in such Acts.

(v) **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 (72 Stat. 309) and modified by the Flood Control Act of 1962, is further modified to provide for the reallocation of a sufficient amount of existing and available water supply storage space in Broken Bow Lake to support the Mountain Fort trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery shall be undertaken under terms and conditions acceptable to the Secretary.

(w) **WYOMING VALLEY, PENNSYLVANIA.**—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is

modified—

(1) to direct the Secretary to complete the final phase II design memorandum for the project (including the results of a review of nonstructural mitigation plans for the purpose of ameliorating damages from induced flooding) not later than August 8, 1994;

(2) to authorize the Secretary—

(A) to cooperate with non-Federal interests to make use of equipment and employees of the non-Federal interests in carrying out the project; and

(B) to credit the non-Federal share of the cost of the project for the value of the use of such equipment and employees; and

(3) to provide that, notwithstanding the last sentence of subsection (c) of section 104 of the Water Resources Development Act of 1986—

(A) non-Federal interests may apply for crediting under such section 104, against the non-Federal share of the cost of the project, the cost of work carried out after June 1, 1972, by the non-Federal interests which the Secretary determines is compatible with the project; and

(B) the Secretary may approve of such crediting to the extent the Secretary determines appropriate.

(x) **CHETCO RIVER, OREGON.**—The project for navigation, Chetco River, Oregon, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), is modified to direct the Secretary to assume responsibility for operation and maintenance of the approximately 200-foot long access channel to the south commercial boat basin consistent with authorized project depths.

(y) **PORT ORFORD, OREGON.**—Section 117 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended by striking the last sentence and inserting the following: “The Secretary is authorized to maintain the authorized Federal navigation channel at Port Orford, Oregon, including those portions of the channel within 50 feet of the port facility.<sup>1</sup>”

(z) **CUFF WALK, NEWPORT, RHODE ISLAND.**—Notwithstanding any other provision of law and any agreement, the Federal share of the cost of repairs and improvements to the Cliff Walk, Newport, Rhode Island, in fiscal year 1993 and succeeding fiscal years shall not be less than 50 percent of the total cost of the project.

(aa) **RAY ROBERTS LAKE, ELM FORK OF THE TRINITY RIVER, TEXAS.**—The project for navigation, Ray Roberts Lake, Elm Fork of

the Trinity River, Texas, authorized by the River and Harbor Act of 1965 (79 Stat. 1091), is modified to direct the Secretary to construct access ramps to permit boat launching access during periods of high water at the Sanger, Jordan, and FM-372 access areas, at an estimated total cost of \$55,000. Operation and maintenance of the access ramps shall be a non-Federal responsibility.

(bb) **SIMS BAYOU, TEXAS.**—The project for flood control, Sims Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified to direct the Secretary to include, to the extent practicable, measures to improve environmental quality and riparian habitat.

(cc) **VIRGINIA BEACH, VIRGINIA.**—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 (100 Stat. 4136), is modified to authorize the Secretary to construct the project at a total cost of \$112,000,000, with an estimated Federal cost of \$72,800,000 and an estimated non-Federal cost of \$39,200,000, and an average annual cost of \$2,000,000 for the periodic beach nourishment over the 50-year economic life of the project, with an estimated Federal cost of \$1,300,000 and an estimated non-Federal cost of \$700,000. In carrying out the project, the Secretary is directed to construct the project with a uniform level of protection against a 100-year storm event, plus or minus 15 years, from Rudee Inlet to 89th Street by construction of a seawall from Rudee Inlet to 58th Street with a maximum top of seawall elevation of 13.5 feet (NGVD), dune reconstruction where necessary from 58th Street to 89th Street with a maximum top of dune elevation of 18 feet (NGVD), and construction of a beach berm from Rudee Inlet to 89th Street to a maximum design elevation of 10 feet (NGVD), and a width at design elevation to obtain the desired level of protection. In carrying out the project, the Secretary is also directed to provide for interior storm water to be collected into a pipe which will run longitudinally beneath the reconstructed boardwalk and to be discharged offshore by pumping through subsurface pipelines.

(dd) **LOWER GRANITE Lock AND DAM, WASHINGTON.**—The Lower Granite Lock and Dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 21-22), is modified to authorize the Secretary to construct an all weather surface road in Whitman County, Washington, from Whitman County Road 9000 at the

mouth of the Wawawai Canyon to existing roads in the vicinity of the Lower Granite Dam. The cost of such construction shall be assigned to navigation.

(ee) **BEECH FORK LAKE, WEST VIRGINIA.**—The project for flood control, Beech Fork Lake, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is modified to direct the Secretary to complete a study at a cost of not to exceed \$500,000 and issue a report on relocation of the lodge resort complex authorized to be constructed as part of the project and to carry out the project substantially in accordance with such report.

(fi) **BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.**—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of the project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through the use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

(gg) **LA CROSSE AND SHELBY, WISCONSIN.**—The project for flood protection of State Road and Ebner Coulees, city of La Crosse and Shelby Township, Wisconsin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is modified to direct the Secretary to reimburse the non-Federal sponsor \$1,467,000 for the Federal share of work performed by the non-Federal sponsor in connection with the project. Such reimbursement shall be in addition to amounts previously reimbursed by the Secretary for such work.

### **SEC. 103. VISITOR CENTERS.**

(a) **MELVIN PRICE LOCK AND DAM, ALTON, ILLINOIS.**—

(1) **CONSTRUCTION.**—The Secretary may construct a regional visitor center of at least 24,000 square feet at the Melvin Price Lock and Dam, Alton, Illinois.

(2) **PURPOSES.**—The purposes of the visitor center to be constructed under this subsection shall be to inform the public of—

(A) the role of the United States Army Corps of Engineers in inland navigation along the Mississippi River and its tributaries,

(B) the role of the Melvin Price Lock and Dam in such

inland navigation,

(C) the socioeconomic development of the surrounding area, and

(D) events of historical, archaeological, cultural, and natural significance in such area.

**(b) MT. MORRIS DAM, NEW YORK.—**

(1) **CONSTRUCTION.**—The Secretary shall construct a visitor center at Mt. Morris Dam, Mt. Morris, New York, in accordance with alternative 2 contained in the report of the District Engineer, Buffalo District, entitled “Mt. Morris Dam, Interpretive Development Prospectus, Visitor Reception Area”, dated February 22, 1991.

(2) **DESIGNATION.**—The visitor center to be constructed under this subsection shall be known and designated as the “William B. Hoyt II Visitor Center”.

**(c) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.—**

(1) **ESTABLISHMENT.**—The Secretary shall establish and operate in accordance with this subsection an interpretive facility (including a museum and interpretive site) in Vicksburg, Mississippi, which shall be known as the “Lower Mississippi River Museum and Riverfront Interpretive Site”.

(2) **LOCATION of museum.**—The museum shall be located on property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi. Title to the property shall be transferred to the Secretary at no cost.

(3) **INTERPRETIVE SITE.**—The interpretive site shall be located on riverfront property between the Mississippi River Bridge and the Mississippi Riverpark in Vicksburg, Mississippi. The Secretary is authorized to acquire surface use easements for such site on a willing seller basis.

(4) **Limitation on acquisition authority.**—The Secretary may not use condemnation of property in carrying out this subsection.

(5) **Purposes of the museum and interpretive site.**— The purposes of the Lower Mississippi River Museum and Riverfront Interpretive Site are to—

(A) promote an understanding of the Lower Mississippi River and the United States Army Corps of Engineers' role in developing and managing this nationally significant resource;

(B) interpret the United States Army Corps of Engineers historic presence in the Lower Mississippi River Valley and its administration of the Mississippi River and Tributaries project;

(C) provide an understanding of the many Corps of Engineers branches and facilities in the Vicksburg area and their relationship to flood control, navigation, and environmental conservation in the Mississippi River;

(D) highlight the Mississippi River's influence on the Vicksburg area and the river valley's natural, historic, and cultural resource contributions;

(E) highlight local Corps of Engineers projects and management strategies;

(F) provide an understanding of the surrounding natural riparian environment adjacent to the Mississippi River through public access and interpretive displays; and

(G) promote the worldwide application of water resource technologies learned from using the Mississippi River as a working model.

(6) **RELATED AGENCIES AND PROGRAMS.**—

(A) **Smithsonian institution.**—The Secretary shall consult with the Secretary of the Smithsonian Institution in the planning and design of the museum and riverfront interpretive site under this subsection.

(B) **Department of the interior.**—The Secretary shall consult with the Secretary of the Interior and the Director of the National Park Service in the planning, design, and implementation of interpretive programs for the museum and riverfront interpretive site to be established under this subsection.

(C) **Visitor services.**—The Secretary is directed to provide increased and enhanced visitor services at the United States

Army Corps of Engineers, Waterways Experiment Station in Vicksburg, Mississippi.

(7) **Authorization of appropriations.**—There is authorized to be appropriated \$2,000,000 to carry out this subsection, including acquiring and restoring under paragraph (2) the property held by the Resolution Trust Corporation and planning, designing, and constructing the museum and riverfront interpretive site under this subsection.

**(d) NORTHEASTERN NEW JERSEY REGIONAL FLOOD OPERATIONS-RESPONSE, ENGINEERING, AND VISITOR CENTER.—**

(1) **Construction.**—The Secretary is directed to construct a visitor center in northeastern New Jersey of at least 15,000 square feet to serve as the center for the United States Army Corps of Engineers operations and emergency response engineering activities within the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas and to inform the public of the Corps of Engineers' flood damage reduction and emergency preparedness roles for these areas, the socioeconomic development of the region, and events of historical, archaeological, cultural, and natural significance to these areas.

(2) **Park land for visitor access.**—The visitor center to be constructed under this subsection shall include approximately 5 acres of public park land for visitor access.

(3) **Designation.**—The visitor center to be constructed under this subsection shall be known and designated as the “Northeastern New Jersey Regional Flood Operations-Response, Engineering, and Visitor Center”.

(4) **Interim measures.**—The Secretary is directed to provide increased and enhanced flood emergency operations and engineering preparedness and visitor services at the Corps of Engineers' Passaic River Division office in Hoboken, New Jersey, until such time as the center to be constructed under this subsection is operational.

**(e) JOHN PAUL HAMMERSCHMIDT LAKE, ARKANSAS.—**

(1) **CONSTRUCTION.**—The Secretary shall construct a visitors center for the Army Corps of Engineers at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas.

(2) **Designation.**—The visitor center to be constructed under this subsection shall be known and designated as the “John Paul Hammerschmidt Visitor Center”.

(3) **Authorization of appropriations.**—There is authorized to be appropriated to carry out this subsection \$2,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

#### **SEC. 104. SMALL NAVIGATION PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) **CALCASIEU RIVER, LOUISIANA.**—A navigation project for the Calcasieu River, Louisiana, to enlarge the existing channel to the Port of Cameron to dimensions of 18 feet by 200 feet.

(2) **CALCASIEU RIVER, LOUISIANA.**—A navigation project for the Calcasieu River, Louisiana, to enlarge the southern portion of the Cameron Loop to dimensions of 18 feet by 140 feet.

(3) **Provincetown harbor, Massachusetts.**—A navigation project for Provincetown Harbor, Massachusetts.

(4) **Aunt Lydia's cove, Chatham, Massachusetts.**—A navigation project for Aunt Lydia's Cove, Chatham, Massachusetts.

(5) **Grand marais, Minnesota.**—A project for a harbor of refuge, Grand Marais, Minnesota.

(6) **GRAND PORTAGE, MINNESOTA.**—A project for a harbor of refuge, Grand Portage, Minnesota.

(7) **SILVER BAY, MINNESOTA.**—A project for a harbor of refuge, Silver Bay, Minnesota.

(8) **SEAWAY PIER, BUFFALO, NEW YORK.**—A navigation project for construction of a floating breakwater at Seaway Pier, Buffalo, New York.

(9) **TANGIER ISLAND, VIRGINIA.**—A navigation project for construction of a breakwater to protect navigation facilities at Tangier Island, Virginia.

#### **SEC. 105. SMALL FLOOD CONTROL PROJECTS.**

(a) **PROJECT AUTHORIZATIONS.**—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) **Blue river and brock creek, salem, Indiana.**—A



(2) **White river, elnora, Indiana.**—A project for flood control, White River, Elnora, Indiana.

(3) **WHITE RIVER, GIBSON COUNTY, INDIANA**—A project for flood control, White River, Hazelton, Gibson County, Indiana.

(4) **White river, Petersburg, Indiana.**—A project for flood control, White River, Petersburg, Indiana.

(5) **Wabash river, knox countv, Indiana.**—A project for flood control **Wabash** River, Knox County, Indiana.

(6) **Red river at grand marais outlet, Minnesota.**—A project for flood control, Red River at Grand Marais Outlet, Minnesota.

(7) **Sullivan run creek, butler, Pennsylvania.**—A project for flood control, Sullivan Run Creek, Butler, Pennsylvania. The non-Federal share of the cost of the project shall be determined in accordance with section 103(m) of the Water Resources Development Act of 1986.

(8) **Little fossil creek, texas.**—A project for flood control, Little Fossil Creek, Tarrant County, Texas.

(9) **TURPENTINE RUN, ST. THOMAS, VIRGIN ISLANDS**—A project for flood control, Turpentine Run, St. Thomas, Virgin Islands.

(b) **St. PETERS, St. CHARLES COUNTY, MISSOURI.**—

(1) **MAXIMUM ALLOTMENT.**—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, St. Peters, St. Charles County, Missouri, shall be \$10,000,000 instead of \$5,000,000. The Secretary shall revise the local cooperation agreement for such project entered into under section 221 of the Flood Control Act of 1970 to conform with the increase under this paragraph in the Federal participation in such project.

(2) **COST SHARING.**—Nothing in this subsection shall be construed as affecting any cost snaring requirements applicable to the project under the Water Resources Development Act of 1986.

**California. SEC.10ft.SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.**

(a) **IN GENERAL.**—The Secretary is directed to develop and carry out in accordance with this section a 320-acre Sonoma Bay lands wetland demonstration project in the San Francisco

Bay- Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) **Additional Project Purposes.**—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material as a resource, facilitating the completion of San Francisco Bay Area dredging projects in an environmentally sound manner.

(c) **PLAN.**—

(1) **General requirement.**—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project.

(2) **Contents.**—The plan shall include initial design and engineering, construction, general implementation, and site monitoring.

(3) **PHASES.**—

(A) **First phase.**—The first phase of the plan for final design and engineering shall be completed not later than the last day of the 6-month period beginning on the date of the enactment of this Act.

(B) **Second phase.**—The second phase of the plan, including construction of on-site improvements, shall be completed not later than the last day of the 10-month period beginning on the date of the enactment of this Act.

(C) **THIRD PHASE.**—The third phase of the plan, including dredging, transportation, and placement of material, shall be started not later than July 1, 1994.

(D) **Final phase.**—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) **NON-FEDERAL PARTICIPATION.**—

(1) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of developing and carrying out the project under this section shall be 25 percent.

(2) **LANDS EASEMENTS AND RIGHTS-OF-WAY.**—Subject to paragraph (1), non-Federal interests shall provide lands, easements, and rights-of-way necessary to carry out the project the value of which shall be credited toward the non-Federal share.

(e) **Reports to Congress.**—Not later than the last day of each of the time periods referred to in subsection (c)(3), the Secretary shall report to Congress on the progress being made toward development and implementation of the project under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$15,000,000 for carrying out this section for fiscal years

beginning after September 30, 1992. Such sums shall remain available until expended.

106 STAT. 4816

PUBLIC LAW 102-580—OCT. 31, 1992

**SEC. 107. UPPER MISSISSIPPI RIVER PLAN.**

(a) **Extension of Authorization.**—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended—

(1) in paragraph (2) by striking “ten” each place it appears and inserting “15”;

59-194 0—93 9 : QL 3 tPt. 6)

(2) by redesignating paragraphs (6) and (7) as paragraphs

**(7) and (8), respectively; and**

(3) by inserting after paragraph (5) the following new paragraph:

**“(6) TRANSFER OF AMOUNTS.—**

**“(A) GENERAL RULE.—**Subject to subparagraph (B), for each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior, and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amount appropriated to carry out each of subparagraphs

(A), (B), and (C) of paragraph (1) to carry out any other of such subparagraphs.

**“(B) LIMITATION.—The aggregate amounts obligated in fiscal years 1988 through 2002—**

“(i) to carry out paragraph (1XA) may not exceed \$189,600,000;

(ii) to carry out paragraph (1XB) may not exceed \$78,800,000; and

“(iii) to carry out paragraph (1XC) may not exceed \$12,040,000”.

**(b) FISH AND WILDLIFE HABITAT REHABILITATION AND ENHANCEMENT PROJECTS.**—Section 1103(e) of such Act is amended by striking paragraph (7XA), as redesignated by subsection (aX2), and inserting the following new paragraph:

**“(7XA)** Notwithstanding the provisions of subsection (aX2) of this section, the costs of each project carried out pursuant to paragraph (1XA) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be

borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands.”.

**Florida. SEC. 108. QUARANTINE FACILITY.**

(a) **CONSTRUCTION.**—The Secretary, in consultation with the Governor of Florida, shall construct a research and quarantine facility in Broward County, Florida, to be used in connection with efforts to control *Melaleuca* and other exotic plant species that threaten native ecosystems in the State of Florida.

(b) **OPERATION AND MAINTENANCE.**—After construction, the Secretary shall transfer the facility constructed under this section to the Secretary of Agriculture. The facility shall be jointly maintained and operated by the Department of Agriculture and an appropriate agency or agencies of the State of Florida.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1992, \$1,000,000 for the construction of the facility described in subsection (a). Such sums shall remain available until expended.

**SEC. 109. COLUMBIA, SNAKE, AND CLEARWATER RIVERS.**

(a) **DREDGING.**—The Secretary is authorized to maintain navigation access to, and berthing areas at, all currently operating public and private commercial dock facilities associated with or having access to the Federal navigation project on the Columbia, Snake, and Clearwater Rivers from Bonneville Dam to and including Lewis-  
ton, Idaho, at a depth commensurate with the Federal navigation project.

(b) **EXEMPTION FROM LIABILITY.**—The Federal Government is exempted from any liability for damages to public and private facilities resulting from work performed under this section, including any damages to docks adjacent to the access channel and berthing areas.

**SEC. 110. OUTER HARBOR, BUFFALO, NEW YORK.**

The Secretary may construct bulkheads along the Outer Harbor, Buffalo, New York, as may be necessary to protect the shoreline and reduce the flow of pollutants into Lake Erie.

**SEC. 111. SMALL STREAMBANK CONTROL PROJECT, WALNUT CANYON CREEK, CALIFORNIA.**

The Secretary shall conduct a study for a streambank and shoreline

protection project for Walnut Canyon Creek, Anaheim, California, and, if the Secretary determines that the project is feasible, shall carry out such project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r). The project shall be carried out in accordance with the locally preferred plan, and the non-Federal sponsor shall provide 100 percent of all costs incurred in carrying out the project which are in excess of the costs which would have been incurred in carrying out the project in accordance with the National Economic Development Plan developed by the Secretary.

**SEC. 112. MONTGOMERY POINT LOCK AND DAM, ARKANSAS.**

The Secretary shall proceed expeditiously with design, land acquisition, and construction of the Montgomery Point Lock and Dam on the White River, Arkansas, authorized as part of the McClellan-Kerr Waterway by section 1 of the River and Harbor Act of July 24, 1946 (60 Stat. 635-636).

**SEC. 113. MAJOR REHABILITATION.**

The costs of major rehabilitation of the following projects are to be paid from amounts appropriated from the general fund of the Treasury and from amounts appropriated from the Inland Waterways Trust Fund:

(1) Brandon Road Lock, Dresden Lock, Marseille Lock, and Lockport Lock, Illinois Waterway, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of \$32,700,000.

(2) Lock and dam number 13, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of \$21,280,000.

(3) Locks and dam number 15, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of \$19,180,000.

**SEC. 114. STUDIES.**

(a) **CENTRAL BASIN GROUND WATER PROJECT, CALIFORNIA.—**

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to conduct a study for the purpose of determining whether there is contaminated ground water flowing downstream from the San Gabriel Valley Ground Water Basin to the Central Ground Water Basin in Califor-

nia through existing Federal facilities at Whittier Narrows Dam, Los Angeles County, California.

**Reports.**  
year

(b) **SANTA PAULA CREEK, CALIFORNIA.—**Not later than 1

year after the date of the enactment of this Act, the Secretary shall complete the general reevaluation study for the project for

flood control, Santa Paula Creek, California, authorized by the Flood Control Act of 1948 (62 Stat. 1175-1182) and transmit to Congress a report on the results of such study.

(c) **Success Reservoir, Tule River, California.**—Not later than May 31, 1994, the Secretary shall complete and transmit to Congress a feasibility study for enlargement of the flood control project for the Success Reservoir, on the Tule River, California, 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). The study shall include a review of the need for, and desirability of, construction of an upstream toe berm for reservoir embankment stability. The non-Federal share of the enlargement of the project shall be determined in accordance with section 903(c) of the Water Resources Development Act of 1986.

(d) **DISTRICT OF COLUMBIA AND MARYLAND.**—

(1) **In GENERAL.**—The Secretary shall, as part of the ongoing review of the Anacostia River Watershed in the District of Columbia and Maryland—

(A) carry out a comprehensive assessment of adverse impacts to such watershed from Federal facilities;

(B) review current plans for reducing such adverse impacts; and

(C) carry out a feasibility study to identify and recommend measures for implementation to eliminate such adverse impacts.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(e) **CANAVERAL HARBOR, FLORIDA.**—The Secretary shall expeditiously complete the General Design Memorandum for the sand transfer portion of the navigation project for Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174).

(f) **Tampa Harbor, Alafia River and Big Bend,**

**Florida.**— The Secretary shall complete in an expeditious manner that portion of the navigation study for Tampa Harbor, Alafia River and Big Bend, Florida, relating to the Alafia River. The Secretary may accept contributions from non-Federal sponsors to cover costs incurred by the Secretary in carrying out such portion of such study.

**(g) CEDAR RIVER AND TRIBUTARIES, BLACKHAWK, IOWA.**—The Secretary shall complete the feasibility study for Cedar River and tributaries, Blackhawk, Iowa, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

**(h) PORT FOURCHON NAVIGATION CHANNEL, LOUISIANA.**—The Secretary shall complete the study for Federal maintenance of the Port Fourchon Navigation Channel, Louisiana, not later than the last day of the 12-month period beginning on the date of the enactment of this Act.

**(i) BROCKTON, MASSACHUSETTS.**—

**(1) IN GENERAL.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of—

(A) the water supply, distribution, and transmission needs of the city of Brockton, Massachusetts, for the purpose of developing recommendations for Federal participation in meeting such needs;

(B) the economic, engineering, and environmental feasibility of providing additional water supply for Brockton, Massachusetts, and vicinity in the Taunton River Basin with a view toward providing for future regional increase in municipal and industrial water demands; and

(C) the water quality and quantity and related land resources of the Taunton River for the purpose of developing a detailed survey and evaluation of existing and future uses of the resources.

**(2) REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph

(1). The report must include, at a minimum, a recommendation for the best location of a reservoir for water supply storage on the Taunton River as well as a treatment plant and a recommendation for a route for piping the water from the treatment plant to Brown's Crossing and to



Brockton.

**(j) HAVERHILL, MASSACHUSETTS.—**

(1) **STUDY.**—The Secretary shall conduct a study on proposed uses of the seawall located in Haverhill, Massachusetts.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

**(k) GRAND MARAIS HARBOR, MICHIGAN.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall conduct an economic reevaluation of proposed improvements at Grand Marais Harbor, Michigan.**

**(1) YAZOO BASIN, MISSISSIPPI.—**

(1) **REVIEW AND EVALUATION.**—The Secretary shall conduct a review and evaluation of the recreational master plan for Yazoo Basin, Mississippi.

(2) **PURPOSE.**—The purpose of the review and evaluation to be conducted under paragraph (1) is to develop recommendations for Federal and non-Federal participation in the master plan referred to in paragraph (1).

(3) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the review and evaluation to be conducted under this subsection.

**(m) RAMAPO RIVER AT OAKLAND, NEW JERSEY.—The Secretary shall conduct a study of the project for flood control, Ramapo River, Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), for the purpose of determining the feasibility of modifying the project to include realignment of the Ramapo River channel modification through Potash Lake, replacement of the Pompton Lake Dam bascule flood gates with taintor gates, and provision of a 40-year level of flood protection.**

**(n) LITTLE RIVER, NIAGARA FALLS, NEW YORK.—The Secretary shall complete the feasibility study for Little River, City of Niagara Falls, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.**

**(j) STRAWBERRY ISLAND, NEW YORK.—**

(1) **COMPLETION OF STUDY.**—The Secretary shall complete the feasibility study of shoreline protection for Strawberry Island, New

York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

**(2) INTERIM EMERGENCY MEASURES.**—Pending completion of the study of shoreline protection for Strawberry Island, New York, the Secretary shall undertake such emergency measures as may be necessary to provide shoreline protection for Strawberry Island.

**(p) WISTER LAKE, OKLAHOMA.**—

**(1) STUDY.**—The Secretary shall complete a study of the flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), for the purpose of determining the feasibility of modifying the project to increase the level of the conservation pool by 1 foot and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

**(2) REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of study conducted under paragraph

**(1) .**

**(q) SALMON HARBOR, OREGON.**—The Federal share of the cost of completion of the study for mitigation of shoreline damage attributable to the Federal navigation project at Salmon Harbor, Oregon, authorized by section 111 of the River and Harbor Act of 1968 (82 Stat. 735), shall be 100 percent.

**(r) HAMPTON AND POQUOSON, VIRGINIA.**—

**(1) STUDY.**—The Secretary shall conduct independent studies to determine the Federal interest in and feasibility of providing improvements to the Chesapeake Bay shoreline in the cities of Hampton and Poquoson, Virginia, for environmental protection and enhancement, and protection against high tides and wave action as a result of hurricane and other storm events.

**(2) REPORT.**—The Secretary shall submit to Congress a report on the results of the studies conducted under this subsection together with a plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

**(8) CORPUS CHRISTI SHIP CHANNEL, TEXAS.**—The Secretary shall conduct a study of the project for navigation, Corpus Christi Ship Channel, Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat 298), for the purpose of determining the feasibility of modifying the project to include maintenance of the Jewel Fulton Canal at a depth of 17

feet as a Federal responsibility, (t) **TUG VALLEY GREENWAY, WEST VIRGINIA.**—

(1) **STUDY.**—The Secretary is directed to conduct a study to determine the feasibility of establishing a ‘Tug Valley Greenway’, in relation to those projects along the Tug Fork River in West Virginia authorized by section 202 of Public Law 96367, for the purpose of utilizing the river environment for public recreation opportunities. Specific consideration shall be given in the study to providing for hiking trails, fishing access points, bike paths, and scenic overlooks.

(2) **Consultation.**—In conducting the study under this subsection, the Secretary shall consult with interested State and local government authorities and nonprofit organizations.

(3) **Report.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

#### **SEC. 115. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS AND STUDIES.**

(a) **General Rule for Projects.**—Notwithstanding section 1001 of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) **Green bay levee district, iowa.**—The project for flood control, Green Bay Levee District, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115).

(2) **Lake pontchartrain, north shore, Louisiana.**—The project for beach erosion control, navigation, and recreation, Lake Pontchartrain, North Shore, Louisiana, authorized by section 601 of the Water Resources Development of 1986 (100 Stat. 4142).

(3) **St. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.**—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat 4118).

(4) **Deal lake, monmouth county, new jersey.**—The project for removal of silt and stumps and the control of pollution from nonpoint sources, Deal Lake, Monmouth County, New Jersey, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148-4149).

(5) **TYRONE, PENNSYLVANIA.**—The project for flood protection, Tyrone, Pennsylvania, on the Little Juniata River authorized by section 10 of the Flood Control Act of December 23, 1944 (58 Stat. 893). The Secretary shall examine lower cost **Reports**, alternative measures for providing flood protection for Tyrone, Pennsylvania, and submit to Congress a report on the results of such examination not later than April 1, 1994.

(6) **Big pine lake, texas.**—The project for flood control. Big Pine Lake, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1186).

(b) **LIMITATION.**—A project described in subsection (a) shall not be authorized for construction after the last day of the 5- year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

**SEC. 116. PROJECT DEAUTHORIZATIONS.**

The following projects are not authorized after the date of the enactment of this **Act**:

(1) **Boothbay HARBOR, MAINE.**—The following portion of the project for navigation, Boothbay Harbor, Maine, authorized by the River and Harbor Act of 1912, shoreward (easterly) of the line described below:

Beginning at a bend in the Federal navigation channel whose coordinates are N. 370950.51, E. 642621.79, running thence in a southwesterly direction about 200 feet to a point whose coordinates are N. 370766.64, E. 642543.09, **running** thence in a southerly direction about 270.10 feet to a point whose coordinates are N. 370500.00, E. 642500.00.

(2) **Boston inner harbor channel, Massachusetts.**— The following 305,340-square-foot portion of the 35-foot channel in Boston Inner Harbor lying easterly of the Charlestown waterfront and westerly of the 40-foot main ship channel, authorized by the River and Harbor Act of June 13, 1902:

Commencing at a point of the intersection of the 35-foot channel line and the westerly 40-foot main ship channel line in Boston Harbor, said point being opposite the east face of Pier 11, Charlestown, Massachusetts; thence running south 10 degrees 17

minutes 15 seconds east 323.54 feet to a point; thence turning and running south 15 degrees 21 minutes 11 seconds west 1,785.75 feet to a point, said last two courses being along the westerly 40-foot main ship channel line; thence turning and running south 65 degrees 18 minutes 42 seconds west 573.52 feet to a point at the bend in the existing westerly 35-foot channel line southeasterly of Pier 4 at Charlestown, Massachusetts; thence turning and running north 50 degrees 11 minutes 25 seconds east 523.55 feet to a point; thence turning and **running** north 15 degrees 21 minutes 11 seconds east 2,016.68 feet to a point of beginning, said last two courses being along the westerly 35-foot channel line.

(3) **Newburyport, Massachusetts.**—The following portion of the project for navigation, Newburyport Harbor, Massachusetts, authorized by the River and Harbor Act of 1910 (36 Stat. 632):

Commencing at a point north 661793.19 east 768152.83 a line running: north 39 degrees 07 minutes 47 seconds east 227.04 feet to a point north 661969.31 east 768296.11 thence turning and running, south 68 degrees 53 minutes 36 seconds east 2402.44 feet to a point north 661104.18 east 770537.38 thence turning and running, north 84 degrees 27 minutes 35 seconds east 1325.37 feet to a point north 661232.14 east 771856.55 thence turning and running, south 54 degrees 05 minutes 43 seconds west 327.30 feet to a point north 661040.20 east 771591.44 thence turning and running, south 25 degrees 40 minutes 37 seconds west 579.02 feet to a point north 660518.31 east 771340.53 thence turning and running, north 67 degrees 15 minutes 59 seconds west 1791.61 feet to a point north 661210.67 east 769688.11 thence turning and running, north 77 degrees 45 minutes 23 seconds west 1187.30 feet to a point north 661462.46 east 768527.82 thence turning and running, north 48 degrees 35 minutes 19 seconds west 500.00 feet returning to a point north 661793.19 east 768152.83.

(4) **Greilickville, MICHIGAN.**—The following portion of the navigation project for Greilickville, Michigan, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173):

Beginning at the northwest corner of the turning basin, Federal navigation project, Greilickville Harbor, Leelanau County, Michigan, having a northing of 1,199,300 and an easting of 529,501 (Michigan Transverse Mercator, Central Zone, NAD 27) and being

depicted on the Department of the Army, Detroit District Corps of Engineers Condition of Channel, sheet 1 of 1, dated March 1991; thence 77 degrees 18 minutes 20.4 seconds a distance of 250.7 feet, thence 167 degrees 18 minutes 20.4 seconds a distance of 175 feet, thence 94 degrees 12 minutes 39.2 seconds a distance of 222.8 feet, thence 167 degrees 36 minutes 07.2 seconds a distance of 600 feet, thence 303 degrees 41 minutes 24.2 seconds a distance of 57.7 feet, thence 257 degrees 22 minutes 57.6 seconds a distance of 421.2 feet, thence 347 degrees 19 minutes 23.2 seconds a distance of 797.4 feet to the point of beginning, containing 7.48 acres more or less.

(5) **South haven harbor, Michigan.**—The following portion of the navigation project for South Haven Harbor, Michigan, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and prevention of certain public works on rivers and harbors, and for other purposes , approved August 30,1935 (49 Stat. 1036):

Beginning at the southwest corner of the turning basin, Federal navigation project, South Haven, Van Buren County, Michigan, having a northing of 330,253.86 and an easting of 358,150.44 (Michigan Transverse Mercator, East Zone, NAD 27) and being depicted on the Department of the Army, Detroit District, Corps of Engineers, condition of channel sheet 2 of 2 dated February 1992; thence north 22 degrees 27 minutes 11 seconds east, along the westerly boundaiy, a distance of 412.51 feet, thence north 70 degrees 45 minutes 39 seconds east, a distance of 41.91 feet, thence south 61 degrees 05 minutes 08 seconds east, a distance of 325.77 feet, thence south 87 degrees 33 minutes 26 seconds east, a distance of 39.89 feet, thence south 43 degrees 25 minutes 55 seconds west, a distance of 110.35 feet, thence south 70 degrees 45 minutes 56 seconds west, a distance of 472.65 to the point of beginning (containing 2.19 acres, more or less).

(6) **Sag harbor, new york.**—The navigation project (other than the breakwater) for Sag Harbor, New York, authorized by the first section of the River and Harbor Act of August 30,1935 (49 Stat. 1030).

**SEC. 117. DEAUTHORIZATION OF A PORTION OF THE  
CANAVERAL HARBOR, FLORIDA, PROJECT.**

Section 1080 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat 2020) is amended by inserting "thence north 00°-

18'-61" west, a distance of 764.43 feet;" after "551.30 feet;"

**SEC. 118. NAMINGS.**

(a) **LOCK AND DAM 3, ARKANSAS RIVER, ARKANSAS.—**

(1) **Designation.**—Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the "Joe Hardin Lock and Dam".

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Joe Hardin Lock and Dam".

(b) **GREERS FERRY LAKE VISITORS CENTER, ARKANSAS.—**

(1) **DESIGNATION.**—The visitors center at Greers Ferry Lake, Arkansas, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 2218), shall be known and designated as the "William Carl Garner Visitors Center".

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "William Carl Garner Visitors Center".

(c) **JOHN PAUL HAMMERSCHMIDT LAKE, ARKANSAS.—**

(1) **DESIGNATION.**—The reservoir created by the James W. Trimble Lock and Dam on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the "John Paul Hammerschmidt Lake".

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "John Paul Hammerschmidt Lake".

(d) **RED RIVER WATERWAY, LOUISIANA.—**

(1) **DESIGNATION.**—The lock numbered 5 on the Red River Waterway, Louisiana, is designated as the "Joe D. Waggoner, Jr. Lock".

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, map, or other paper of the United States to the lock referred to in paragraph (1) shall be deemed to be a reference to the "Joe D. Waggoner, Jr. Lock".

(e) **PASSAIC RIVER STREAMBANK AREA, NEW JERSEY.—**

(1) **DESIGNATION.**—The area for which environmental and other

streambank restoration measures are authorized by section 101(aX18XB) of the Water Resources Development Act of 1990, relating to the project for flood control, Passaic River Mainstem, New Jersey and New York, shall hereafter be known and designated as the “Joseph G. Minish Passaic River Waterfront Park and Historic Area”.

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the “Joseph G. Minish Passaic River Waterfront Park and Historic Area”.

(f) **BUENA VISTA FLOOD CONTROL PROJECT, VIRGINIA.**—

(1) **DESIGNATION.**—The project for flood control, Buena Vista, Virginia, authorized by section 101(aX24) of the Water Resources Development of 1990 (104 Stat. 4610), shall hereafter be known and designated as the “James R. Olin Flood Control Project”.

(2) **LEGAL REFERENCES.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the flood control project referred to in paragraph (1) shall

be deemed to be a reference to the “James R. Olin Flood Control Project”.

(3) **Plaque.**—The Secretary is authorized to install in an appropriate place a plaque to identify the flood control project referred to in paragraph (1) as the “James R. Olin Flood Control Project”.

(g) **Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia.**—

(1) **Designation.**—The Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat.

4110), shall hereafter be known and designated as the “Robert C. Byrd Locks and Dam”.

(2) **Legal references.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the locks and dam referred to in paragraph (1) shall be deemed to be a reference to the “Robert C. Byrd Locks and Dam”.

(h) **Mill Creek Reservoir, Washington.**—

(1) **Designation.**—The Mill Creek Reservoir, authorized by section 4 of the River and Harbor Act of June 28, 1938 (52 Stat. 1222), shall hereafter be known and designated as the “Virgil B. Bennington Lake”.



(2) **Legal references.**—A reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in paragraph (1) shall be deemed to be a reference to the “Virgil B. Bennington Lake”.

## TITLE II—GENERALLY APPLICABLE PROVISIONS

### SEC. 201. ABILITY TO PAY.

(a) **GENERAL Rule.**—Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended to read as follows:

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

(b) **Review OF Regulations.**—The Secretary shall review regulations on ability to pay contained in part 241 of title 33, Code of Federal Regulations, published in the Federal Register, Volume 56, Number 114, on June 13, 1991, in light of locally prevailing conditions such as those associated with the projects listed in subsection (c) and shall amend the regulations to the extent that the Secretary determines necessary to more appropriately take into account locally prevailing conditions which would limit the ability of local interest to participate as non-Federal project sponsors in accordance with established cost-sharing formulas.

(c) **Projects.**—The projects referred to in subsection (b) are as follows:

(1) **Feather creek, Clinton, Indiana.**—The project for flood control, Feather Creek, Clinton, Indiana, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701(B)).

(2) **PERRY CREEK, SIOUX CITY, IOWA.**—The project for flood control, Perry Creek, Sioux City, Iowa, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4116) and reauthorized by this Act.

(3) **Aloha-rigolette, LOUISIANA.**—The project for flood control, Aloha-Rigolette, Louisiana, authorized by section 101(aX12) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(4) ST. **JOHNS BAYOU AND NEW MADRID**

**FLOODWAY, MISSOURI.**—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(5) **STE. GENEVIEVE, MISSOURI.**—The project for flood control, Ste. Genevieve, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(6) **BUENA VISTA, VIRGINIA.**—The project for flood control, Buena Vista, Virginia, authorized by section 101(aX24) of the Water Resources Development Act of 1990 (104 Stat. 4610).

#### **SEC. 202. PROJECTS FOR IMPROVEMENTS OF THE ENVIRONMENT.**

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a; 100 Stat. 4251-4252) is amended—

(1) by inserting at the end of Subsection (b) the following new sentence: “No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000”; and

(2) in subsection (e) by striking “\$15,000,000” and inserting “\$25,000,000”.

#### **33 USC 2325. SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND**

##### **RECREATION PROJECTS.**

(a) **ACCEPTANCE.**—In connection with carrying out a water resources project for environmental protection and restoration or a water resources project for recreation, the Secretary is authorized to accept contributions of cash, funds, materials, and services from persons, including governmental entities but excluding the project sponsor.

(b) **DEPOSIT.**—Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)” and shall be available until expended to carry out water resources projects described in subsection (a).

#### **33 USC 2326. SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.**

(a) **IN GENERAL.**—The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.

(b) **SECRETARIAL FINDINGS.**—Subject to subsection (c) of this section, projects for the protection, restoration, or creation of aquatic and ecologically related habitats may be undertaken in any case where the Secretary finds that—

- (1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost thereof; and
- (2) the project would not result in environmental degradation.

(c) **Cooperative Agreement.**—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a cooperative agreement in accordance with the requirements of section 221 of the Flood Control Act of 1970 in which the non-Federal interests agree to—

- (1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) **pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.**

(d) **Determination of Construction Costs.**—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

(e) **Authorization of Appropriations.**—There is authorized to be appropriated not to exceed \$15,000,000 annually to carry out this section. Such sums shall remain available until expended.

**SEC. 206. DEFINITION OF REHABILITATION FOR INLAND  
WATERWAY 33 USC 2327.  
PROJECTS.**

For purposes of laws relating to navigation on inland and intracoastal

waterways of the United States, the term “rehabilitation” means—

- (1) major project feature restoration—
  - (A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;
  - (B) which will significantly extend the physical life of the feature;
  - (C) which is economically justified by a benefit-cost analysis;
  - (D) which will take at least 2 years to complete; and
  - (EXi) which is initially funded before October 1, 1994, and will require at least \$5,000,000 in capital outlays; or
  - (ii) which is initially funded on or after such date and will require at least \$8,000,000 in capital outlays; and
- (2) structural modification of a major project component (not exhibiting reliability problems)—
  - (A) which will enhance the operational efficiency of such component or any other major component of the project by increasing benefits beyond the original project design; and
  - (B) which will require at least \$1,000,000 in capital outlays.

Such term does not include routine or deferred maintenance. The dollar amounts referred to in paragraphs (1) and (2) shall be adjusted annually according to the economic assumption published each year as guidance in the Annual Program and Budget Request for Civil Works Activities of the Corps of Engineers.

33 use 426i-1. **SEC. 206. CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.**

(a) **Authority.**—Non-Federal interests are authorized to undertake shoreline protection projects on the coastline of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) **Studies and Engineering.**—

(1) **BY non-federal interests.**—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and engineering for any construction to be undertaken under subsection (a).

(2) **By secretary.**—Upon request of an appropriate

non-Federal interest, the Secretary may undertake all necessary studies, and engineering for any construction to be undertaken under subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and engineering during the period that the studies and engineering will be conducted

(c) **Completion of Studies.**—The Secretary is authorized to complete and transmit to the appropriate non-Federal interests any study for shoreline protection which was initiated before the date of the enactment of this Act or, upon the request of such non-Federal interest, to terminate the study and transmit the partially completed study to the non-Federal interest for completion. Studies subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) **Authority To Carry Out Improvement.**—

(1) **IN GENERAL.**—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a shoreline protection project or separable element thereof, based on the results of completed studies and engineering for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) **Permits.**—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) **Monitoring.**—The Secretary shall monitor any project for which permits are granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in

accordance with the terms and conditions of such permits.

(e) **REIMBURSEMENT.**—

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

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by such non-Federal interest; and

(B) if the Secretary finds, after a review of studies and engineering prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) **MATTERS TO BE CONSIDERED IN REVIEWING PLANS.**—

In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(3) **MONITORING.**—The Secretary shall regularly monitor and audit any project for shore protection constructed under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(4) **LIMITATION ON REIMBURSEMENTS.**—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits or approved plans.

**SEC. 207. COOT-SHARING FOR DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426i) is amended by striking the last sentence and inserting the following new sentences: “At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the **beacheB** of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for

providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.”.

**SEC. 308. FEES FOR DEVELOPMENT OF STATE WATER PLANS.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (b) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

**13) in-kind SERVICES.**—Up to **Vi** of the non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision

of services, materials, supplies, or other in-kind services necessary to prepare the plan. ; and

(2) in subsection (d) by inserting “Indian tribes,” after “States of the United States, .

**SEC. 300. DAM SAFETY PROGRAM EXTENSION.**

(a) **STATE SAFETY PROGRAMS.**—The first sentence of section 7(a) of Public Law 92-367 (33 U.S.C. 467f(a)) is amended by striking “1992” and inserting “1994”.

(b) **STATE Training Programs.**—The second sentence of section 11 of Public Law 92-367 (33 U.S.C. 467j) is amended by striking “1992” and inserting “1994”.

(c) **Research Program.**—The last sentence of section 12 of Public Law 92-367 (33 U.S.C. 467k) is amended by striking “1992” and inserting “1994”.

(d) **Dam Inventory.**—The second sentence of section 13 of 33 use 467/. Public Law 92-367 is amended by striking “1992” and inserting

“1994”.

(e) **MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.**—

(1) **IN GENERAL.**—The Secretary is authorized to provide planning, engineering and design, construction, technical, and other assistance to non-Federal interests for repair, reconstruction, replacement, or other modification to Mussers Dam, Middle Creek, Snyder County, Pennsylvania, in order to bring such dam into compliance with the safety requirements which the Federal Energy Regulatory Commission has determined to be necessary.

(2) **Coordination.**—The Secretary shall provide any assistance under paragraph (1) in coordination with the Federal Energy Regulatory Commission and State and local interests.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed as affecting or modifying—

(A) the obligations of non-Federal interests under the Federal Power Act or any license, permit, or exemption issued under such Act; or

(B) the duties and responsibilities of the Federal Energy Regulatory Commission under the Federal Power Act to require and enforce on a timely basis safety compliance with such Act and any license, permit, or exemption issued under such Act.

(4) **Federal share.**—The Federal share of the cost of repair, reconstruction, replacement, and other modification to Mussers Dam for the purpose described in paragraph (1) shall be 75 percent.

(5) **Authorization of appropriations.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(f) **BEAVER LAKE, ARKANSAS.**—All costs incurred in carrying out the project to correct seepage problems at Beaver Lake, Arkansas, shall be treated as costs incurred for a dam safety project and shall be subject to cost sharing in accordance with section 1203 of the Water Resources Development Act of 1986.

### 33 USC 569d. SEC. 110. SAFETY AWARD AND PROMOTIONAL MATERIALS.

(a) **PROMOTION OF SAFETY PROGRAM.**—

(1) **Procurement of promotional materials.**—The Secretary is authorized to procure materials that, in the judgment of the Secretary, are necessary to promote the Corps of Engineers safety program.

(2) **Distribution of materials to employees.**—The items purchased pursuant to this subsection shall be distributed to employees of the Corps of Engineers to advance the goals of the safety program.

(b) **Employee Recognition.**—The Secretary is authorized to incur



necessary expenses for the honorary recognition of the outstanding safety performance of employees of the Corps of Engineers. Such recognition may be in the form of certificates, plaques, cash, or other forms of awards.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated \$350,000 for each fiscal year beginning after September 30, 1992, for carrying out the purposes of this section.

#### **SEC. 111. WORK FOR OTHERS.**

Section 3036(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) For purposes of this subsection, the term ‘State’ includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.”.

#### **SEC. SIX. USE OF PRIVATE SECTOR RESOURCES IN SURVEYING AND 33 USC S69e. MAPPING.**

To the maximum extent practicable, the Secretary shall make use of private sector resources in carrying out surveying and mapping activities in the Civil Works Program of the Corps of Engineers.

#### **SEC. \*18. USE OF DOMESTIC PRODUCTS.**

(a) **Compliance With Buy American Act.**—

(1) **In general.**—Except as provided in paragraph (2), the Secretary shall ensure that procurements with funds appropriated to carry out this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c), popularly known as the “Buy American Act”.

(2) **Limitation on applicability.**—This subsection shall apply only to procurements made for which—

- (A) amounts are authorized by this Act to be made available; and
- (B) solicitations for bids are issued after the date of the

enactment of this Act.

(3) **Reports.**—The Secretary shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) **Definitions.**—For the purposes of this section, the term “domestic product” means a product—

- (1) that is manufactured or produced in the United States;
- and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

**SEC. 214. RURAL PROJECT EVALUATION AND SELECTION  
CRITERIA. Reports.**

Not later than 18 months after the date of the enactment  
of this Act, the Comptroller General shall report to the Committee  
on Environment and Public Works of the Senate and the  
Committee on Public Works and Transportation of the House  
of Representatives with specific legislative and other  
recommendations on—

2281

(1) improving the equitable distribution of water  
resources development projects in rural areas, including  
recommendations for—

- (A) giving greater value to properties in rural areas;
- (B) making the ability to pay provision of section  
103(m) of the Water Resources Development Act of  
1986 apply more equitably; and
- (C) giving greater value to crop lands and crops;  
and

(2) giving greater emphasis to—

- (A) projected increases in values of property, crop  
lands, and crops which will result from completion of a  
proposed water resources development project;
- (B) projected increases in the ability to pay by  
residents which will result from completion of a  
proposed water resources development project; and
- (C) other benefits assumed to increase upon  
completion of a proposed water resources development  
project.

**SEC. 215. COMPENSATION OF CORPS OF  
ENGINEERS EMPLOYEES.**

(a) **SPECIAL POWER RATE EMPLOYEES.**—The Secretary  
shall conduct a comparative analysis, on a regional basis, of—

(1) the compensation (including basic wage rates and  
differential pay) provided to employees of the Corps of  
Engineers who are paid from the Corps of Engineers  
Special Power Rate Schedule and who are employed at  
water resources projects of the Corps; and

(2) the compensation provided to employees of other  
Federal agencies who perform duties similar to those  
performed by such employees of the Corps of Engineers.

(b) **REGULATORY EMPLOYEES.**—The Secretary shall conduct a comparative analysis of—

(1) the compensation provided to employees of the Corps of Engineers who carry out regulatory functions; and  
 (2) the compensation provided to employees of other Federal agencies who carry out functions similar to those performed by such employees of the Corps of Engineers; for the purpose of determining whether or not an adjustment to the compensation provided to such employees of the Corps of Engineers is needed.

(c) **PUBLIC PARTICIPATION.**—In conducting the analyses under subsections (a) and (b), the Secretary shall provide opportunities for public participation.

(d) **REPORTS.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the analyses conducted under subsections

(a) and (b), together with any recommendations of the Secretary, and shall implement such recommendations.

**33 use 2211 SEC. 216. DREDGED MATERIAL DISPOSAL AREAS.**

(a) **STUDY.**—The Secretary shall conduct a study on the need for changes in Federal law and polity with respect to dredged material disposal areas for the construction and maintenance of harbors and inland harbors by the Secretary. As part of the study, the Secretary shall evaluate the need for any changes in Federal

and non-Federal cost sharing for such areas and harbor projects, including sources of funding.

(b) **Report.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), together with recommendations of the Secretary.

**SEC. S17. REUSE OF WASTE WATER.**

**43USC**

**390h-4**

(a) **IN General.**—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the beneficial reuse of waste water. Such assistance may be in the form of

technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) **Project Descriptions.**—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) **SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.**—

(A) **Description.**—A regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

(B) **COOPERATION.**—The Secretary shall carry out this paragraph in cooperation with the State of California and appropriate local and regional entities.

(C) **Southern California defined.**—For purposes of this paragraph, the term “Southern California” means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(2) **San diego area water reuse demonstration facilities.**—Water reuse facilities (which are not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

(3) **SANTA ROSA WATER REUSE PROJECTS.**—

(A) **DESCRIPTION.**—Water reuse projects for the city of Santa Rosa, California, to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

(B) **COOPERATION.**—The Secretary shall carry out this paragraph in cooperation with the city of Santa Rosa, California, and other appropriate authorities.

(4) **MONTEREY COUNTY, CALIFORNIA.**—

(A) **DESCRIPTION.**—Reduction of salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

(B) **COOPERATION.**—The Secretary shall carry out this paragraph in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000. Such sums shall remain available until expended.

**43 USC 390h-5 SEC. 218. DEMONSTRATION OF WASTE WATER TECHNOLOGY, SANTA CLARA VALLEY WATER DISTRICT AND SAN JOSE, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to provide design and construction assistance to the Santa Clara Valley Water District in San Jose, California, and to the city of San Jose, California, for demonstrating and field testing public use innovative processes which advance the technology of waste water reuse and treatment and which promote the use of treated waste water for critical water supply purposes and for the protection of fish and wildlife in the San Francisco Bay. All design, construction, and comprehensive health effects studies shall be carried out by non-Federal interests.

(b) **PURPOSES OF ASSISTANCE.**—Assistance may be provided under this section—

(1) for the design and construction of an innovative nonpotable waste water reuse treatment facility with distribution systems;

(2) for the design and construction of an innovative potable waste water reuse pilot plant;

(3) for implementation of a comprehensive health effects study of the performance of the potable waste water reuse pilot plant; and

(4) after the pilot plant is constructed and is operational, for the design and construction of a potable waste water reuse project, along with integration of the additional potable processes into the existing nonpotable facilities, and the extension of the distribution systems to groundwater recharge areas, if the Secretary, in cooperation with the Administrator of the Environmental Protection Agency, determines that the established public health requirements and water quality goals and objectives are being met by the pilot plant, the public health

and safety is not at risk as a result of the operation of the pilot plant, and the pilot plant is operating reliably.

(c) **COST SHARING.**—Total project costs under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000. Such sums shall remain available until expended.

## **SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) **IN GENERAL.**—The Secretary is authorized to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resource protection and development projects described in subsection (c), including waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a

project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of projects for which assistance is provided under this Section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) **PROJECT DESCRIPTIONS.**—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) **WASHINGTON, D.C. AND MARYLAND.**—Measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland.

(2) **ATLANTA, GEORGIA.**—A combined sewer overflow treatment facility for the city of Atlanta, Georgia.

(3) **HAZARD, KENTUCKY.**—A water system (including a 13,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for Hazard, Kentucky.

(4) **ROUGE RIVER, MICHIGAN.**—Completion of a comprehensive streamflow enhancement project for the Western Townships Utility Authority, Rouge River, Wayne County, Michigan.

(5) **JACKSON COUNTY, MISSISSIPPI.**—Provision of an alternative water supply for Jackson County, Mississippi.

(6) **EPPING, NEW HAMPSHIRE.**—Evaluation and assistance in addressing expanded and advanced wastewater treatment needs for Epping, New Hampshire.

(7) **MANCHESTER, NEW HAMPSHIRE.**—Elimination of combined sewer overflows in the city of Manchester, New Hampshire.

(8) **ROCHESTER, NEW HAMPSHIRE.**—Provision of advanced wastewater treatment for the city of Rochester, New Hampshire.

(9) **PATERSON AND PASSAIC COUNTY, NEW JERSEY.**—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity

of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey.

(10) **STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.**—The development of innovative beneficial uses of sewage sludge and conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge for local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(11) **ERIE COUNTY, NEW YORK.**—A tunnel from North Buffalo, New York, to Amherst Quarry to relieve flooding and improve water quality.

(12) **ERIE COUNTY, NEW YORK.**—A sludge processing disposal facility to serve the Erie County Sewer District 5, New York.

(13) **OTSEGO COUNTY, NEW YORK.**—A water storage tank and an adequate water filtration system for the Village of Milford, Otsego County, New York.

(14) **CHENANGO COUNTY, NEW YORK.**—A primary source water well and improvement of a water distribution system for New Berlin, Chenango County, New York.

(15) **GREENSBORO AND GLASSWORKS, PENNSYLVANIA.**—A sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(16) **LYNCHBURG, VIRGINIA.—Alleviation of combined sewer overflows for Lynchburg, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.**

(17) **RICHMOND, VIRGINIA.**—Alleviation of combined sewer overflows for Richmond, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(18) **COLONIAS ALONG UNITED STATES-MEXICO BORDER.**—Wastewater treatment facilities, water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing assistance under this section \$5,000,000. Such sums shall remain available until expended.

**SEC. 220. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE FOR BENTON AND WASHINGTON COUNTIES, ARKANSAS.**



(a) **In general.**—The Secretary is authorized to provide design and construction assistance to appropriate non-Federal interests for a water transmission line from the northern part of Beaver Lake, Arkansas, into **Benton** and **Washington Counties**, Arkansas, at a total cost of \$5,000,000.

(b) **COST SHARING.**—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal.

The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

**SEC. 221. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE  
FOR ERIE COUNTY, NEW YORK.**

(a) **BEST MANAGEMENT PRACTICES FOR COMBINED SEWER SYSTEM.**—The Secretary is authorized to provide design and construction assistance to the Buffalo Sewer Authority, Buffalo, New York, for the development and implementation of best management practices to reduce pollution from the combined sewer system in the city, at a total cost of \$6,800,000.

(b) **STORM WATER CONTROL PROJECT.**—The Secretary is authorized to provide design and construction assistance to the town of Amherst, New York, for a storm water control project on Sheridan Drive between Evans Road and Transit Road in the town of Amherst, New York, at a total cost of \$200,000.

(c) **COST SHARING.**—Total project costs under each of subsections (a) and (b) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs.

Operation and maintenance cost shall be 100 percent non-Federal.

**SEC. 222. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE  
FOR LEWISTON, NEW YORK.**

(a) **IN GENERAL.**—The Secretary is authorized to provide design and construction assistance to the city of Lewiston, New York, for construction of a storm water control project, at a total cost of \$200,000.

(b) **Cost SHARING.**—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal.

The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

**SEC. 223. BOARD OF ENGINEERS.**

note.

The Board of Engineers for Rivers and Harbors, established Termination by section 3 of the River and Harbor Act of June 13, 1902 (33<sup>date</sup> U.S.C. 541), shall cease to exist on the 180th day following the date of the enactment of this Act. The Secretary may reassign to other elements within the Department of the Army such duties and responsibilities of the Board as the Secretary determines to be necessary.

**SEC. 224. CHANNEL DEPTHS AND DIMENSIONS.**

Section 5 of the Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 562), is amended—

(1) by inserting “and after the project becomes operational” before the first comma;

(2) by inserting “lower” after “mean” the first place it appears;

(3) by inserting as defined by the Department of Commerce for nautical charts and tidal predictions,” after “water” each place it appears; and

(4) by inserting “and after the project becomes operational” before “the channel dimensions”.

33 USC 2328. **SEC. 225. CHALLENGE COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.**

(a) **IN GENERAL.**—The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary’s jurisdiction.

(b) **COOPERATIVE AGREEMENTS.**—To implement the program under this section, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary’s jurisdiction where such facilities and resources are being maintained at complete Federal expense.

(c) **CONTRIBUTIONS.**—For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from non-Federal public and private entities. Any funds received by the Secretary under this section shall be deposited into the account in the Treasury of the United

States entitled "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)" and shall be available until expended to carry out the purposes of this section.

33 USC 569f. **SEC. 226. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT**

**USE OF "MADE IN AMERICA" LABELS.**

If the Secretary determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States which is not made in the United States and which is used in a civil works project of the Secretary, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than 3 years and not more than 5 years. For purposes of this section, the term "debar" has the meaning that term has under section 2393(c) of title 10, United States Code.

**TITLE HI—MISCELLANEOUS PROVISIONS**

33 USC 653. **SEC. 301. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER**

**COMMISSION.**

The jurisdiction of the Mississippi River Commission (established by the Act of June 29, 1879 (33 U.S.C. 641)) is extended to include—

- (1) Terrebonne Parish, Louisiana; and
- (2) the area bounded by the East Atchafalaya Basin Protection Levee, the Mississippi River Levee, and Bayou Lafourche and extending from Morganza, Louisiana, to the Gulf of Mexico, insofar as such area is affected by the flood waters of the Mississippi River.

**SEC. 302. NEW YORK CITY ZEBRA MUSSEL PROGRAM.**

(a) **MONITORING AND PREVENTION.—**

(1) In GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Governor of the State of New York, and the Mayor of the city of New York, shall—

- (A) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system;
- (B) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(C) provide technical assistance to the State of New York and the city of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

(2) **COST SHARING.**—The Secretary shall not initiate any monitoring, prevention, or technical assistance project or program under this subsection until appropriate non-Federal interests agree, by contract, to contribute 25 percent of the cost for such project or program during the period of such project or program.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of carrying out this subsection, there is authorized to be appropriated to the Secretary \$2,000,000 for each fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

(b) Exonc **AQUATIC ORGANISMS.**—

(1) In **GENERAL.**—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C.

4711(b)) is amended by adding at the end the following new paragraph:

“(3) In addition to issuing regulations under paragraph (1), Regulations the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species in the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.”.

(2) **DEFINITION.**—Paragraph (1) of section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 is amended by inserting “the Committee on Public 16USC4702. Works and Transportation and” after “means”.

### **SEC. 303. SUSQUEHANNA RIVER, PENNSYLVANIA.**

(a) **WETLANDS DEMONSTRATION PROJECT.**—The Secretary, in cooperation with appropriate Federal agencies, may enter into a cooperative agreement with the Earth Conservancy to develop, and carry out along the Susquehanna River between Wilkes-Barre and Sunbury, Pennsylvania, a wetlands demonstration project for the purposes of—

(1) enhancing municipal waste water treatment in the region;

(2) restoring and maintaining the physical, chemical, and biological integrity of the Susquehanna River and its tributaries as well as nearby lands; and

(3) developing cleanup technologies which can be utilized for various environmental restoration initiatives.

PUBLIC LAW 102-580—OCT. 31, 1992 106 STAT. 4799  
(b) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section \$2,000,000. Such sums shall remain available until expended.

**SEC. 304. BROAD TOP REGION OF PENNSYLVANIA.**

Contracts. (a) **WATERSHED RECLAMATION AND WETLANDS PILOT PROJECT.**—

The Secretary, in cooperation with appropriate Federal and State agencies, shall enter into a cooperative agreement with non-Federal interests to develop and carry out along the Juniata River and its tributaries, Pennsylvania, a watershed reclamation and protection and wetlands creation and restoration project for the purposes of—

(1) restoring and maintaining the physical, chemical, and biological integrity of Trough Creek, Stroups Run, and the Raystown Branch of the Juniata River as well as nearby lands;

(2) constructing or restoring wetlands and using other methods to treat acid mine drainage and other runoff to protect surface and ground water;

(3) enhancing municipal water supplies in the region; and

(4) developing innovative reclamation technologies, removing public safety hazards, and developing related recreation facilities for various environmental restoration and cultural resource and economic development opportunities.

(b) **Federal Share.**—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section \$5,500,000. Such sums shall remain available until expended.

**SEC. 305. CONSTRUCTION OF BOAT RAMPS AND DOCKS AT J. STROM THURMOND LAKE, GEORGIA.**

Section 1134(e) of the Water Resources Development Act of 1986 (100 Stat. 4251) is amended by inserting “(1)” before

“In any case” and by adding at the end the following new paragraph: “(2) If a person who purchased property under paragraph (1) for replacement of property for which a lease held by such a person was terminated under this section and the property for which the lease was terminated had a boat ramp or dock, or both, the Secretary shall permit such person to construct or have constructed a boat ramp or dock, or both, as the case may be, at the replacement **Regulations.** property. A boat ramp or dock constructed under this paragraph shall be comparable in size and configuration to, and shall be maintained in accordance with, regulations issued by the Secretary.”.

**SEC. 306. WEST VIRGINIA TRAILHEAD FACILITIES.**

The Secretary is authorized to conduct a study and develop a plan for trailhead facilities at the following projects in West Virginia:

- (1) Beech Fork Lake.
- (2) R.D. Bailey Lake.
- (3) East Lynn Lake.

(4) Projects authorized by section 202 of Public Law 96367.

### **SEC. 307. WATER QUALITY PROJECTS.**

(a) **PROJECT DESCRIPTION.**—The Secretary is authorized to New York, design and construct projects to address water quality problems <sup>land</sup> associated with storm water discharges from large storm events for the New Orleans, Louisiana, metropolitan area, from within the Jefferson and Orleans Parishes from which waters discharge into Lake Pontchartrain and the Mississippi River, the watershed areas of Onondaga County and Syracuse, New York, from which waters discharge into Onondaga Lake, New York; the watershed areas of the Penobscot River in the vicinity of Bangor, Maine, and the Casco Bay in the vicinity of Portland, Maine; and the watershed areas of Narragansett Bay in the vicinity of the Providence, Rhode Island, metropolitan area, including East Providence, Pawtucket, and Central Falls, Rhode Island.

(b) **PROJECT DESIGN.**—The design of projects under subsection (a) shall ensure the development of effective Federal and non-Federal actions which will contribute toward compliance with the Federal Water Pollution Control Act.

(c) **COST SHARING.**—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$70,000,000 to carry out this section. Such sums shall remain available until expended.

### **SEC. 306. BALTIMORE HARBOR, MARYLAND.**

(a) **ANALYTICAL PROCEDURES.**—

(1) **STUDY.**—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of developing analytical procedures and criteria for contaminated dredged material in order to distinguish those materials which should be placed in containment sites from those materials which could be used in beneficial projects (such as beach nourishment, shoreline erosion control, island reclamation, and wetlands creation) or which could be placed in open waters without being chemically altered.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) **DECONTAMINATION STUDY.**—

(1) **STUDY.**—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of determining the feasibility and necessity of decontaminating dredged materials and the feasibility of dewatering and recycling dredged materials for use as marketable products. In conducting the study, the Secretary shall consider requirements and locations for a processing or staging area, evaluate the marketability of potential products, and assess financial costs.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,000,000 to carry out this section. Such sums shall remain available until expended.

**SEC. 309. ADDITIONAL STUDIES.**

(a) **OHIO RIVER AND TRIBUTARIES.**—

(1) **STUDY.**—The Secretary shall review the report of the Chief of Engineers on the Ohio River and Tributaries, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained in such report are advisable at the present time, with particular reference to improvements for water and related land resource needs, including abatement of acid mine drainage in Wheeling Creek, Glens Run, Little Short Creek, and Yellow Creek in Belmont and Jefferson Counties, Ohio.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(b) **COASTAL PROTECTION STUDY** —

(1) **STUDY.**—The Secretary shall conduct a study of the economic benefits of Federal and significant non-Federal shore protection activities in the Mid-Atlantic region from New York to Virginia. In conducting such study, the Secretary shall assess—

(A) the public investment in such activities;

(B) damage incurred by such shore protection activities by coastal storms of October 1991 and January 1992;

(C) the prevention of damage by coastal storms of October 1991 and January 1992 to coastal and upland resources, including public and private properties and other economic activities, as a result of



such shore protection activities' and

(D) the extent to which the prevention of damage to coastal and upland resources, including public and private properties and other economic activities, is considered in benefit-cost ratios for shore protection activities.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing the findings of the Secretary with respect to the study conducted under this subsection.

(c) **HARRISON COUNTY, MISSISSIPPI.**—

(1) **STUDY.**—The Secretary is authorized to enter into a memorandum of understanding with the Secretary of Agriculture for the purpose of studying problems associated with flooding in Hamson County, Mississippi. Under the memorandum of understanding, the Secretary and the Secretary of Agriculture will jointly conduct a reconnaissance study of Harrison County, Mississippi, and the following bodies of water and associated watersheds:

- (A) Wolf River.
- (B) Big Biloxi River.
- (C) Little Biloxi River.
- (D) Turkey Creek.
- (E) Saucier Creek.
- (F) Hog Branch Creek.
- (G) Flat Branch Creek.
- (H) Tuxachanie Creek.
- (I) Tchoutacabouffa River.

(2) **CONTENTS.**—The reconnaissance study to be conducted under paragraph (1) shall include the following:

(A) **REVIEW of RELEVANT REPORTS**—A review of relevant reports of the Chief of Engineers and other reports which the Secretary of Agriculture and the Secretary, in consultation with the Chief of Engineers, determine to be appropriate.

(B) **PLAN FOR IMPLEMENTATION.**—The development of a plan to implement measures to address the problems associated with flooding identified in the study, including measures for the development, use, and conservation of water resources in the geographic areas that are the subject of the study. The development of the plan shall include, to the

extent practical, an evaluation of alternative measures.

(c) **COST ESTIMATE.**—A cost estimate for each measure described in subparagraph (B).

(3) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly transmit to Congress a written report that includes—

(A) findings on the study conducted under paragraph

(i);

(B) a reasonable schedule for the implementation of the measures described in the plan developed under paragraph (2XB); and

(C) a cost estimate determined in accordance with paragraph (2XC) for the implementation of the plan developed under paragraph (2XB).

(d) **REYNOLDS CHANNEL.**—

(1) **STUDY.**—The Secretary is authorized to conduct a study on the need for navigation improvements in Reynolds Channel and the connecting State Boat Channel between Captree Island and Oak Beach.

(2) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this subsection.

(e) **ORCHARD BEACH, BRONX, NEW YORK.**—

(1) **REVIEW.**—The Secretary is authorized to review the reports of the Chief of Engineers and other pertinent documents pertaining to Orchard Beach, Bronx, New York, and to make appropriate recommendations concerning storm damage prevention, recreation, environmental restoration, and other purposes.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$400,000

for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(f) **EAST RIVER, NEW YORK.**—

(1) **Study.**—The Secretary is authorized to conduct a study on the need for erosion protection along the East River, New York, in the vicinity of Brooklyn, Queens, and Manhattan with a view toward mitigating the deleterious effects of drift removal on protecting the adjacent shoreline from erosion.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is

authorized to be appropriated to carry out this subsection  
PUBLIC LAW 102-580—OCT. 31, 1992 106, STAT. 4799  
\$500,000 for fiscal years beginning after September 30,  
1992. Such sums shall remain available until expended.

(g) **LAKE CHAMPLAIN AND THE NARROWS OF LAKE CHAMPLAIN, VERMONT.—**

(1) **Study.**—The Secretary is authorized to conduct a reconnaissance and feasibility study of remediation of contaminated sediments in Lake Champlain and the Narrows of Lake Champlain, Vermont. Such activities shall be coordinated with the State of Vermont and the Water Resources Research Center at the University of Vermont.

(2) **Funding.**—Funds previously expended by the State of Vermont and the Water Resources Research Institute at the University of Vermont in investigating sediment contamination shall be considered toward any joint funding requirement relating to the study to be conducted under this subsection.

(h) **LAKE CHAMPLAIN, VERMONT.—The Secretary is authorized to conduct a reconnaissance and feasibility study of providing additional boat access points on Lake Champlain, Vermont.**

(i) **MONTPELIER, VERMONT.**—The Secretary is authorized to conduct a reconnaissance and feasibility study on providing additional flood protection for Montpelier, Vermont.

Maine. (j) **NEW ENGLAND COASTAL DREDGED MATERIAL.—**

New Hampshire. (i) **EVALUATION.**—The Secretary shall conduct an evaluation

tion of long-term coastal dredged material disposal needs along the Maine and New Hampshire coasts. Beginning in 1995, any dredged material resulting from a project proposed as a result of this study shall be disposed of at a site which is permanently designated by the Environmental Protection Agency pursuant to title I of the Marine Protection, Research, and Sanctuaries Act of 1972.

**Appropriation** (2) **Funding.**—\$500,000 is authorized under General  
Inves-  
**autnonzation.** tations to conduct the study under this subsection, which  
will take into account the 2 States' dredged material  
disposal needs.

(k) **ST. JOHN'S RIVER CHANNEL, FLORIDA.—In studying the feasibility of Federal improvements to the St. John's River Channel, Florida, the Secretary shall examine the**

**commercial and military uses of the channel in those areas traversed by both military and commercial vessels and shall coordinate the efforts of the Secretary with the Secretary of the Navy to utilize available studies and resources which project future military dredging needs in the St. John's River Channel.**

**(1) CENTRAL AND SOUTHERN FLORIDA.—The Chief of Engineers shall review the report of the Chief of Engineers on central and southern Florida, published as House Document 643, 80th Congress, 2d Session, and other pertinent reports, with a view to determining whether modifications to the existing project are advisable at the**

present time due to significantly changed physical, biological, demographic, or economic conditions, with particular reference to modifying the project or its operation for improving the quality of the environment, improving protection of the aquifer, and improving the integrity, capability, and conservation of urban water supplies affected by the project or its operation.

**SEC. 310. REND LAKE, ILLINOIS.**

(a) **Study.**—The Secretary shall conduct a study on whether or not to relieve the State of Illinois of the requirement to make annual payments for unused water supply storage in Rend Lake on the Big Muddy River in Illinois.

(b) **Report.**—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for any conditions which the Secretary considers to be appropriate if the State of Illinois is to be relieved of the requirement to make the annual payments referred to in subsection (a).

(c) **Interim Payments.**—Until 6 months after the date on which the Secretary transmits to Congress the report under subsection

(b) , the State of Illinois shall not be required to make any payments under its contract with the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois.

**SEC. 311. PORTUGUESE AND BUCANA RIVERS, PUERTO RICO.**

Section 31 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by striking “temporarily residing and”.

**SEC. SIX. LITTLE GOOSE AND LOWER GRANITE, WASHINGTON.**

(a) **Measures.**—The Secretary is directed to undertake such measures as are necessary to compensate for damages caused to public and private property by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington. The costs of such measures shall be considered project costs and shall be allocated in accordance with existing cost allocations for the Little Goose and Lower Granite projects.

(b) **Authorization of Appropriations.**—In addition to amounts previously appropriated, there is authorized to be appropriated to carry out this section \$8,000,000. Such sums shall remain available until expended.

**SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) **Establishment of Program.**—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in south central Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in south central Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **Public Ownership Requirement.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **CONSULTATION WITH SARCD COUNCIL.**—In carrying out this section, the Secretary shall consult the SARCD Council.

(d) **LOCAL COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this Act, 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 such assistance.

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

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

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

(3) **COST-SHARING.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which

**would otherwise apply to a project to be carried out with assistance provided under this section.**

(f) **Report.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) **AUTHORIZATION AND ALLOCATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$17,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(2) **ALLOCATION.**—Funds appropriated to carry out this section for each of fiscal years 1993 through 1998 shall be expended as follows: 50 percent for providing assistance in the Chesapeake Bay watershed area of south central Pennsylvania and 50 percent for providing assistance in the Ohio River watershed area of south central Pennsylvania.

(3) **TRANSFERS.**—The Secretary may expend up to 20 percent of the amounts required to be expended under paragraph

(2) for providing assistance in a watershed area for providing assistance in the other watershed area referred to in paragraph

(2) ; except that the aggregate amount expended for providing assistance in the Chesapeake Bay watershed area for fiscal years 1993 through 1998 shall be 50 percent of the aggregate of the funds appropriated to carry out this section for such fiscal years.

(h) **Definitions.**—For purposes of this section, the following definitions apply:

(1) **SARCD COUNCIL.**—The term “SARCD Council” means the Southern Allegheny Resource Conservation and Development Council.

(2) **South central Pennsylvania.**—The term “south central Pennsylvania” means Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties, Pennsylvania.

### **SEC. 314. ILLINOIS AND MICHIGAN CANAL.**

(a) **IN GENERAL.**—The Secretary is authorized to make capital improvements to the Illinois and Michigan Canal.

(b) **AGREEMENTS.**—The Secretary shall, with the consent of appropriate local and State entities, 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 Illinois and Michigan Canal and its related facilities, including trailside facilities for recreational use connecting the waterways referred to in subsection (c).

(c) **Illinois and Michigan Canal Defined.**—For the purpose of this section, the “Illinois and Michigan Canal” consists of the following existing waterways: the Chicago River from and including its mouth at Navy Pier

through and including its south branch; the Chicago Sanitary and Ship Canal; and the entire length of those waterways designated as the Illinois and Michigan Heritage Canal between Chicago, Illinois, and LaSalle/Peru, Illinois.

**(a) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.**

**SEC. 315. VIRGINIA BEACH, VIRGINIA, TECHNICAL AMENDMENTS.**

Section 407(a) of the Water Resources Development Act of 1990 (104 Stat. 4647) is amended—

- (1) by striking “145” and inserting “156”; and
- (2) by striking “33 U.S.C. 426j” and inserting “42 U.S.C. 1962d-5r.

**SEC. 316. TRANSFER FACILITY FOR BENEFICIAL USES OF DREDGED MATERIAL, SAN FRANCISCO BAY.**

(a) **Study.**—The Secretary shall study the feasibility of establishing a transfer facility at the Leonard Ranch property owned by the Sonoma Land Trust and adjacent to Port Sonoma-Marin, California, for the drying and rehandling of dredged material from San Francisco Bay which is to be transported to an upland site for beneficial uses, including lining, capping, and cover material for sanitary landfills, levee maintenance, and restoration of subsided agricultural lands.

(b) **Report.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

**SEC. 317. PIKEVILLE LAKE, KENTUCKY.**

(a) **PLAN.**—Subject to the provisions of section 1135 of the Water Resources Development Act of 1986, the Secretary is directed to develop and implement a plan for modifying the channel bypass element of the Levisa Fork, Kentucky, project for the purpose of water quality improvement in and restoration of Pikeville Lake, Kentucky, including lake restoration, elimination of stagnant water, and other measures necessary for water quality improvement.

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(b) **Contents.**—Subject to approval of final plans by the Secretary, the plan to be developed and implemented under subsection

(a) shall include design and construction of a sewage collection system and related infrastructure, lake restoration (including elimination of stagnant water), and other measures necessary for water quality improvement.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 318. RAYSTOWN LAKE, PENNSYLVANIA.**

The Secretary shall undertake a revision of the master plan for the Raystown Lake project, Pennsylvania, and submit to Congress for approval

any proposed changes that significantly change uses of the Lake, the surrounding land resources, or any facilities located thereon. As part of the revision, the Secretary shall evaluate opportunities for development of portions of the Lake and adjacent lands by private parties. Pending submission to and approval by the Congress of the results of the revision, the Secretary may not make any significant land use changes at the project.

**SEC. 319. SANTA ROSA PLAIN, CALIFORNIA.**

The Secretary may study the feasibility of developing and preserving seasonal wetlands on the Santa Rosa plain in California and may provide technical assistance to the Sonoma County Vernal Pool Task Force in developing a plan for the development and preservation of such wetlands.

**SEC. 320. KLAMATH GLEN LEVEE, CALIFORNIA.**

The Secretary shall determine whether or not a design deficiency exists at the Klamath Glen levee at the confluence of Klamath River and Tewel Creek in Del Norte County, California, that is resulting in erosion at the toe of the levee. If the Secretary determines that such a deficiency does exist, the Secretary shall take such actions as may be necessary to correct the deficiency.

**SEC. 321. PHOENIX, ARIZONA.**

The Secretary may participate in the study and construction of a water resources project in the vicinity of Phoenix, Arizona, for the purpose of providing flood control and improving water quality in the Tres Rios wetlands, Arizona, at a total cost of \$6,500,000.

**SEC. 322. WATER SUPPLY NEEDS OF MAHONING VALLEY  
SANITARY DISTRICT, OHIO.**

The Secretary shall cooperate with State and local officials in reviewing the water supply needs of the Mahoning Valley Sanitary District, Ohio. As part of such review, the Secretary shall conduct a study of current and future water allocations at Lake Milton and Neander and Berlin Reservoirs, Ohio.

**SEC. 323. SAULT SAINTE MARIE, MICHIGAN.**

Section 202 of the Water Resources Development Act of 1990 (104 Stat. 4632) is amended by striking “the parcel of land” and all that follows through the period at the end and inserting the following: “for use as a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan, the parcel of land, with a building located thereon, lying in the north one-half of fractional Section 5, T47N, R1E, Michigan Meridian, city of Sault Sainte

Marie, Chippewa County, Michigan, commencing at the northeast corner of Lot 561 of Assessors Subdivision No. 13, city of Sault Ste. Marie, Chippewa County, Michigan; thence North 24 degrees

1 minutes 00 seconds East, 128.20 feet to the point of beginning; thence North 65 degrees 59 minutes 00 seconds West, 77.30 feet; thence North 08 degrees 04 minutes 00 seconds East, 152.00 feet; thence North 30 degrees

02 minutes 00 seconds East, 40.80 feet;



thence North 59degrees 46 minutes 00secondsEast, 72.75  
feet, PUBLIC LAW 102-580—OCT. 31, 1992 106 STAT. 4799  
thence South 65degrees 59 minutes 00secondsEast, 72.30  
feet;  
thence South 24degrees 01 minutes 00seconds West,  
245.80feet

to the point of beginning, containing 0.565 acre more or less.”.

**SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

(a) **IN GENERAL.**—The Secretary is authorized to provide design and construction assistance to the Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for the Hackensack Meadowlands area, New Jersey.

(b) **REQUIRED ELEMENTS.**—The program to be developed under subsection (a) shall include at a minimum the following areas:

- (1) Mitigation and enhancement for significant wetlands that contribute to the Meadowlands ecosystem.
- (2) Development and implementation of a regional system to protect, preserve, and monitor wetlands.
- (3) Water quality monitoring.
- (4) Watershed cleanup at Bellmans and Penhom Creeks.
- (5) Storm water management research and demonstration.
- (6) Tide gate improvement and reconstruction to control flooding in the Berry’s Creek drainage basin.
- (7) Research and development for a water quality improvement program.

(c) **Cost Sharing.**—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal.

The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) **Authorization of Appropriation.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 326. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.**

(a) **In General.**—The Secretary may initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(b) **Terms and Conditions.**—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and

conditions:

(1) Lands acquired under the program must be contiguous to the lands in Federal Government ownership on the date of the enactment of this Act.

(2) Lands acquired under the program shall be from willing sellers only.

(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.

33 USC 2267

**SEC. 326. NEW YORK BIGHT AND HARBOR STUDY.**

(a) **IN GENERAL.**—As a continuation of the study pursuant to section 728 of the Water Resources Development Act of 1986, the Secretary shall study a hydro-environmental monitoring and information system in the New York Bight and New York Harbor and tributaries to the head of tide, in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight and Harbor region) of the following: wind, wave, current, salinity, and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight. This effort will include the study of a verified, nested, high-resolution Harbor/Bight Apex numerical model, and supportive monitoring and information systems.

(b) **HYDRAULIC MODEL.**—In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and the tying in of such model to the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

(c) **PURPOSE.**—This New York Bight and Harbor effort will address the engineering, environmental, and social impacts of natural and man-made changes to the New York Bight, including water quality parameters such as contaminant and sediment transport effects, and nutrient eutrophication.

(d) **COORDINATION WITH EPA; REPORTS.**—The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study

described in the section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water and sediment quality in the New York Bight and Harbor region.

(e) **REMEDIATION TECHNIQUES.**—

(1) **IN GENERAL.**—To test and verify contaminant and sediment tracking ability of the models, and to reduce the problems associated with the dredging and disposal of dioxin contaminated sediments in the region, a study shall be performed to identify appropriate remediation techniques (including isolation and treatment) for mitigating dioxin contaminated sediments at their sources. The study and report are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Public Works and Transportation of the House of Representatives, and to the State of New Jersey a report on—

(A) the dioxin study and monitoring required in this subsection; and

(B) the effectiveness and costs of all reasonable remediation measures, including recommendations as to a plan for implementation of the most time and cost-effective measures.

(f) **FUNDING.**—There is authorized to be appropriated \$1,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 327. AVAILABILITY OF CONTAMINATED SEDIMENTS INFORMATION.** note. 33 USC 1271

(a) **STUDY.**—**The Secretary shall—**

(1) conduct a national study on information that is currently available on contaminated sediments of the surface waters of the United States; and

(2) compile information obtained in such study for the purpose of identifying the location and nature of contaminated sediments in the Nation.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including recommendations for the collection of additional data on the contaminated sediments and including the compilation of information referred to in subsection (a).

**SEC. 328. MILWAUKEE HARBOR, WISCONSIN.**

(a) **IN GENERAL.**—The Secretary is authorized to cooperate with non-Federal interests in the completion of a study on contaminated sediments in Milwaukee Harbor, Wisconsin, and surrounding areas.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 329. ARTHUR ML.1, NEW YORK AND NEW JERSEY.**

The Secretary shall complete planning and design of the project for navigation, **Arthur** Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) after the Secretary has entered into appropriate agreements with non-Federal interests for completion of such planning and design.

**SEC. 330. HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.** note. 26 USC 9505

(a) **REPORT.**—Not later than March 1, 1993, and annually thereafter, after, the President shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on expenditures from and deposits into the Harbor Maintenance Trust Fund.

(b) **CONTENTS.**—

(1) **IN GENERAL.**—Each report to be transmitted under subsection (a) shall contain the following:

(A) A description of expenditures made from the trust fund in the previous fiscal year on a project-by-project basis.

(B) A description of deposits made into the trust fund in the previous fiscal year and the sources of such deposits.

(C) A 5-year projection of expenditures from and deposits into the trust fund.

**(2) Previous years information.**—In addition to information required under paragraph (1), the initial report to be transmitted under subsection (a) shall contain the information described in subparagraphs (A) and (B) of paragraph (1) for fiscal years 1987 through 1992.

**SEC. 551. CONEMAUGH RIVER BASIN, PENNSYLVANIA.**

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

(1) to conduct investigations and surveys of the watersheds of the rivers in the Conemaugh River Basin, Pennsylvania; and

(2) to develop and implement restoration projects for abatement and mitigation of surface water quality degradation caused by abandoned mines and mining activity in such basin.

**SEC. 553\*. TRANSFER OF LOCKS AND APPURTENANT FEATURES, FOX RIVER SYSTEM, WISCONSIN.**

(a) **TRANSFER.**—The Secretary is authorized to transfer to the State of Wisconsin the locks and appurtenant features of the navigation portion of the Fox River System, Wisconsin, extending from Green Bay, Wisconsin, to Lake Winnebago, Wisconsin, subject to the execution of an agreement by the Secretary and the State of Wisconsin which specifies the terms and conditions for such transfer.

(b) **TREATMENT OF LOCKS AND APPURTENANT FEATURES.**—The locks and appurtenant features to be transferred under subsection

(a) shall not be treated as part of any Federal project after the effective date of the transfer.

(c) **OPERATION AND MAINTENANCE.**—Operation and maintenance of all features of the Fox River System,

Wisconsin, other than the locks and appurtenant features to be transferred under subsection (a), shall continue to be a Federal responsibility after the effective date of the transfer under subsection (a).

**SEC. 333. FISH AND WILDLIFE MITIGATION.**

**(a) LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**— Section 906(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(c)) is amended by inserting ", including lands, easements, rights-of-way, and relocations," before "for implementation and operation".

**(b) CONFORMING AMENDMENTS.**—

(1) **HARBORS.**—Section 101(aX3) of such Act (33 U.S.C. 2211(aX3)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-Federal .

(2) **FLOOD CONTROL AND OTHER PURPOSES.**—Section 103(i) of such Act (33 U.S.C. 2213(i)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-FederalP.

Maryland. **SEC.334.CHEESAPEAKE BAY BENEFICIAL USE SITE MANAGEMENT.**

**(a) STUDY.**—**The Secretary is authorized to conduct a study on environmentally beneficial ways to expand or supplement exist-**

ing placement options and sites serving channel dredging operations of the Port of Baltimore. Such study shall enhance an ongoing long-term management study for the Chesapeake Bay area Being conducted by the State of Maryland and the Secretary.

(b) **CONDUCT.**—**In conducting the study under subsection (a), the Secretary shall—**

(1) in coordination with Federal agencies and the Maryland Port Administration, demonstrate beneficial uses of dredged materials to enhance public recreational opportunities, increase living resource habitats, and enhance the environmental quality of the Chesapeake Bay;

(2) identify areas for beneficial use placement of dredged materials to enable the Port of Baltimore to continue maintenance dredging until a long-term management study recommends viable alternatives; and

(3) develop options for beneficial use placement of dredged materials for each site identified under paragraph (2).

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 336. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF 33 USC 59gg.**

**CUYAHOGA COUNTY, OHIO.**

(a) **AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.**—

Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions 01 the county of Cuyahoga, Ohio, described as follows, are not in the public interest then, subject to subsections (b) and (c), those portions of such county, bounded and described as follows, are declared to be nonnavigable waters of the United States:

Situated in the city of Cleveland, county of Cuyahoga, and State of Ohio, T7N, R13W, and known as being a part of original two acre lots numbers 16, 17, 18, 19, and 20 and the northerly extensions thereof, and being more fully described as follows:

Beginning at the intersection of the centerline of East 9th Street (99



feet wide) with the centerline of Relocated Erieside Avenue, N.E. (70 feet wide); thence south 56 degrees

6 minutes 52 seconds west on the centerline of Relocated Erieside Avenue, N.E., a distance of 112.89 feet to a point; thence north 33 degrees 53 minutes 08 seconds west a distance of 35.00 feet to a  $\frac{1}{2}$ -inch rebar on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E.; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 335.00 feet and whose chord bears south 42 degrees 36 minutes 52 seconds west 156.41 feet, an arc distance of 157.87 feet to a  $\frac{1}{2}$ -inch rebar; thence south 29

degrees 06 minutes 52 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 119.39 feet to a  $\frac{1}{2}$ -inch rebar; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 39 degrees, 49 minutes 33 seconds west 247.19 feet, an arc distance of 248.64 feet to a  $\frac{1}{2}$ -inch rebar and the true place of beginning of the parcel herein described; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 53 degrees, 17 minutes 33 seconds west 64.05 feet, an arc distance of 64.08 feet to a  $\frac{1}{2}$ -inch rebar set; thence south 56 degrees 03 minutes 30 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 248.38 feet to a  $\frac{1}{2}$ -inch rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 265.00 feet and whose chord bears north 79 degrees 02 minutes 42 seconds west 374.09 feet, an arc distance of 415.31 feet to a drill hole set; thence north 34 degrees 08 minutes 55 seconds west on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 505.30 feet to a  $\frac{1}{2}$ -inch rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 112.00 feet and whose chord bears north 40 degrees

<sup>32</sup> minutes 41 seconds west 24.95 feet, an arc distance of 25.01 feet to a drill hole set on the southerly right-of-way line of former Erieside Avenue, as vacated by city of Cleveland Ordinance No. 1100-87, passed June 16, 1987; thence northeasterly on the former right-of-way line

along the arc of a curve to the right, with a radius of 515.00 feet and whose chord bears north 75 degrees 36 minutes 18 seconds east 136.45 feet, an arc distance of 136.85 feet to a Vs-inch rebar set; thence north 86 degrees 13 minutes 04 seconds east on said former right-of-way line a distance of 294.57 feet to a Vs-inch rebar set; thence north 52 degrees 57 minutes 23 seconds east on said former right-of-way line a distance of 56.98 feet to a Vs-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 244.65 feet to a Vs-inch rebar set; thence south 78 degrees 53 minutes 08 seconds east a distance of 105.04 feet to a Vs-inch rebar set; thence north 56 degrees 06 minutes 52 seconds east a distance of 70.75 feet to a %-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 274.74 feet to the true place of beginning containing 325,706 square feet (7.477 acres) more or less.

(b) **Limits on Applicability; Regulatory Requirements.**— The declaration under subsection (a) shall apply to those parts of the areas described in subsection (a) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbor Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) **EXPIRATION DATE.**—If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set forth in subsection (b), or if work in connection with any activity permitted in subsection (b) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

**SEC. 336. LOCKWOODS FOLLY RIVER, BRUNSWICK COUNTY, NORTH CAROLINA.**

(a) **IN GENERAL.**—The Secretary shall carry out an exchange rate demonstration project under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251) at the Eastern Channel of the Lockwoods Folly River, Brunswick County, North Carolina.

(b) **AUTHORIZATION OF APPROPRIATIONS**—There is authorized to be appropriated to carry out **thiB** section \$1,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 337. PORT EVERGLADES, FLORIDA.**

(a) **DETERMINATION.**—The Secretary shall review the construction performed by non-Federal interests at the project for navigation, Port Everglades, Florida, to determine the Federal navigation interest in such work.

(b) **REIMBURSEMENT.**—If the Secretary determines under subsection (a) that the work performed by non-Federal interests is consistent with the Federal navigation interest, the Secretary may reimburse non-Federal interests an amount equal to the estimate of the Federal share of the cost of construction of the Southport channel and turning notch at Port Everglades, Florida.

**SEC. 338. 1983 WORLD UNIVERSITY GAMES.**

The Secretary is authorized to use available resources (both personnel and material) to the greatest extent possible to support the logistical and minor construction needs of the local organizing committee of the 1993 World University Games in Western New York for the purpose of supplementing the involvement by the Secretary in the games requested by the Department of Defense, Office of Special Events Management.

**SEC. 339. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.**

(a) **IN GENERAL.**—The Secretary is authorized to undertake a program to control nuisance aquatic vegetation for the purpose of preserving the recreational uses of the waters of Lake Gaston, Virginia and North Carolina.

(b) **Authorization OF Appropriations.**—There is authorized to be appropriated for the Federal share of the cost of the program authorized by this section \$200,000 per fiscal year for each of fiscal years 1993 and 1994.

**SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southern West Virginia. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern West Virginia, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

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

owned.

(c) **LOCAL COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this Act, 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 such assistance.

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

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

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

(3) **COST-SHARING.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(d) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) **SOUTHERN WEST VIRGINIA DEFINED.**—For purposes of this section, the term “Southern West Virginia” means Raleigh, Wayne, Cabell, Fayette, Lincoln, SummerB, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, and Monroe Counties, West Virginia.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 341. TENNESSEE RTVER HERITAGE MUSEUM AND EDUCATION FACILITY.**

The Tennessee Valley Authority is authorized to establish a facility to be known as the “Tennessee River Heritage Museum and Education Facility” for the purpose of encouraging science and technology as it relates to developing, managing, and preserving rivers as a nationally significant resource.

**SEC. 342. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA.**

(a) **COOPERATION BY TENNESSEE VALLEY AUTHORITY.**—The Tennessee Valley Authority shall cooperate with the Tennessee Valley Exhibit Commission of Alabama to establish an exhibit in Florence, Alabama, on research and development in the area of inland navigation, tributary development and related activities.

(b) **CONTRIBUTIONS.**—The Tennessee Valley Authority may accept contributions from private sources in carrying out this section.

**SEC. 343. RED ROCK DAM AND LAKE, IOWA**

(a) **STUDY.**—The Comptroller General shall conduct a study to review the operation of the project for flood control, Red Rock Dam and Lake, Iowa, authorized by the Flood Control Act of June 28, 1938.

(b) **PURPOSE.**—The purpose of the study to be conducted under subsection (a) shall be—

(1) **to determine whether the property adjacent to the project referred to in Subsection (a) is being inundated by high reservoir levels beyond the levels permitted by existing easements; and**

(2) to review actions taken by the Secretary to implement the requirement contained in section 108(b) of Public Law 99-190 (99 Stat. 1316).

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, including recommendations on whether easements of the Secretary referred to in subsection (b)(1) should be renegotiated with landowners.

**SEC. 344. ENVIRONMENTAL PROJECT MODIFICATIONS, SACRAMENTO RIVER, CALIFORNIA.**

(a) **IN GENERAL.**—In carrying out modifications, under section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C.

2294 note), in the structures and operations of the project for flood control, Sacramento River, California, authorized by section 2 of the Flood Control Act of 1917 (39 Stat. 949), for the purpose of improving the quality of the environment in the public interest, the Secretary shall—

(1) credit the value of all lands, easements, and rights-of-way provided by non-Federal interests for such modifications to the non-Federal share of the cost of such modifications;

(2) include the one-time construction of the operation and maintenance facilities as part of project costs for the purposes of cost sharing; and

(3) in addition to the plan contained in the Yolo Basin Wetlands Project Modification Report dated April 1992, plan,

design, and construct as part of such modifications historical

wetlands at an alternative site located contiguous to the Yolo

Bypass, immediately east of the Davis Water Pollution Control

Plant, and along the north side of the Willow Slough Bypass.

(b) **Report Deadline.**—The Secretary shall complete a separate project modification report to carry out subsection (a)(3) for planning, design, and construction requirements on or before September 30, 1993.

**Louisiana SEC.345. BANK STABILIZATION AND MARSH CREATION.**

(a) **Study.**—The Secretary shall conduct a study on bank stabilization and marsh creation by construction of a system of retaining dikes and by beneficial use of dredged material along the Calcasieu River Ship Canal, Louisiana, at critical locations.

(b) **Report.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection

(a) , including recommendations for specific measures to

be undertaken under section 205 of this Act (relating to beneficial uses of dredged material) as a result of such study.

**SEC. 346. CONNECTICUT COASTAL SALTMARSH RESTORATION AUTHORIZATION.**

Subject to the cost sharing provisions of the Water Resources Development Act of 1986, the Secretary shall, as part of the long term goal of Corps of Engineers water resources development program of increasing the quality and quantity of the Nation's wetlands, investigate and carry out saltmarsh restoration projects along the coastline of the State of Connecticut.

**SEC. 347. WINFIELD, BUFFALO, AND ELEANOR, WEST VIRGINIA.**

(a) **Technical Assistance.**—The Secretary shall provide technical assistance to the towns of Winfield, Buffalo, and Eleanor, West Virginia, for the purpose of assisting the residents of such towns in analyzing and understanding the remedial options available for dealing with substances posing a risk to the environment at the Corps of Engineers lock and dam construction site in the vicinity of Winfield, West Virginia.

(b) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section \$100,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 348. LAND CONVEYANCE, CITY OF FORT SMITH, ARKANSAS.**

The Secretary may convey to the city of Fort Smith, Arkansas, all right, title, and interest of the United States (excluding all oil, gas, and other minerals and subject to existing encumbrances) in and to a tract of real property (including improvements thereon) of approximately 400 acres located adjacent to the city and under the jurisdiction of the Secretary. Such conveyance shall be subject to terms and conditions agreed to between the Secretary and the city and to such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 349. RAHWAY RIVER, NEW JERSEY.**

The Secretary is authorized to conduct a study on flooding problems

along the Rahway River, township of Woodbridge and city of Rahway, New Jersey, and to implement such measures as the Secretary determines feasible in the interest of flood control along the Rahway River and the South Branch of the Rahway River.

**SEC. 350. SAN FRANCISCO BAY, CALIFORNIA.**

The Secretary is authorized to participate as an active Federal member in the Memorandum of Understanding for the Interagency Ecological Study Program for implementation of the monitoring requirements in the San Francisco Bay—Delta Estuary, California, dated October 19, 1990, and March 9, 1992, including the coordination, conduction, and transfer of funds, equipment, and personnel between the cooperating agencies.

**SEC. 351. FLOOD WARNING RESPONSE SYSTEM.**

Section 17(a) of the Water Resources Development Act of 1988 (102 Stat. 4026) is amended by striking “consistent” and all that follows through “1986” and inserting at full Federal expense”.

**SEC. 362. TARRANT COUNTY, TEXAS.**

Section 101(n) of Public Law 99-500 (100 Stat. 1783-345) and section 101 of Public Law 99-591 (100 Stat. 3341-345-3341-346) are each amended by striking *Provided, That in*” and all that follows through “and Marine Creek”.

**SEC. 353. RELEASE OF CERTAIN USE RESTRICTION.**Alabama

(a) **RELEASE.**—Notwithstanding any other provision of law, the Tennessee Valley Authority is authorized and directed to grant a release or releases, without monetary consideration, from the restriction and covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) **DESCRIPTION OF PROPERTY.**—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in Deed Book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the city of Decatur, Alabama.

**SEC. 354. FORT POINT, GALVESTON, TEXAS.**

(a) **CONSTRUCTION OF INTERAGENCY CHILD CARE FACILITY.**—Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to construct, establish, equip, maintain, and operate (or



assist in constructing, equipping, maintaining, and operating) an interagency child care facility at Fort Point, Galveston, Texas, on Federal property under the management and control of the Galveston District, United States Army Corps of Engineers. The purpose of such facility shall be to provide child care services for children who are members of households of Federal employees.

(b) **FEES, TRANSFERS, AND ACCEPTANCE OF DONATIONS.—**

(1) **FEES.**—The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Galveston District, United States Army Corps of Engineers, employees and others who are beneficiaries of the services provided by the child care facility to be constructed under this section.

(2) **TRANSFERS.**—A Federal agency may transfer to the Secretary for use in connection with the child care facility to be constructed under this section amounts available to the agency for child care services.

(3) **Donations.**—The Secretary is authorized to accept donations of money, equipment, and other property for use in connection with the child care facility to be constructed under this section.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1992, \$1,500,000. Such sums shall remain available until expended.

**SEC. 3SS. PRESIDIO OF SAN FRANCISCO, CALIFORNIA.**

(a) **Technical Assistance.**—The Secretary is authorized and directed to offer technical assistance to the National Park Service on infrastructure repairs and improvements at the Presidio of San Francisco, California, during the transition period from Army to Park Service management and after its inclusion into the Golden Gate National Recreation Area.

(b) **Identification of Opportunities.**—The Secretary shall assist the National Park Service in identifying opportunities at the Presidio for demonstration and education programs of environmentally sustainable and innovative technologies, and shall make available a liaison from its Construction Engineering Research Laboratory for this purpose.

(c) **Cooperation.**—The Secretary will cooperate with

other Federal agencies (such as the Environmental Protection Agency and Department of Energy) which the National Park Service identifies as having an interest and role in such programs at the Presidio.

Ohio. **SEC. 3M. SEDIMENT MANAGEMENT STRATEGY FOR MAUMEE RIVER,**

**TOLEDO HARBOR.**

(a) **Development.**—Not later than 12 months after the date of the enactment of this Act, the Secretary, in coordination with the Toledo Port Authority and the Ohio Environmental Protection Agency, shall develop a comprehensive 5-year and 20-year sediment management strategy for the Maumee river, Toledo Harbor. The strategy may include a combination of several sediment disposal alternatives and shall emphasize innovative, environmentally benign alternatives, including reuse and recycling for wetland restoration.

(b) **Implementation.**—The Secretary is authorized to conduct the engineering and construction activities necessary to implement the 5-year sediment management strategy developed pursuant to subsection (a).

(c) **Authorization of Appropriations.**—There is authorized to be appropriated \$1,000,000 to carry out subsection (a) and \$3,000,000 to carry out subsection (b).

**SEC. 387. SOUTHEAST LIGHT ON BLOCK ISLAND, RHODE ISLAND.**

Section 416 of the Water Resources Development Act of 1990 (104 Stat. 4651-4652) is amended by striking subsection (c) and inserting the following:

“(c) **Cost-Sharing.**—The non-Federal share of the cost of relocating the lighthouse under this section shall be \$970,000.

Administrative costs of the Army Corps of Engineers in carrying out this section shall not be treated, for purposes of this section, as costs of relocating the lighthouse and shall not be paid from amounts appropriated to carry out this section.”.

**SEC. 358. ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.**

(a) **RECONSTRUCTION.**—The Secretary is authorized to reconstruct the Allendale Dam in North Providence, Rhode Island, at a total cost of \$90,000, with an estimated Federal cost of \$67,500 and an estimated non-

Federal cost of \$22,500. The Secretary shall not rebuild the dam until title to such dam has been transferred to a nonprofit watershed council or the city of North Providence.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

**SEC. 389. LAKE DEGRAY WATER SUPPLY.** Arkansas

The Secretary is directed to execute a water supply contract with the Ouachita River Water District for withdrawals from Lake DeGray, Arkansas, as provided in the agreement forwarded by the Vicksburg District Corps of Engineers dated March 1992.

**SEC. 360. SOURIS RIVER, NORTH DAKOTA.**

Section 1124(d) of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended by striking “\$69,100,000” and inserting “\$120,800,000”.

**SEC. 361. ABANDONED AND WRECKED BARGE REMOVAL**  
Rhode

Island.

(a) **IN GENERAL.**—In order to alleviate a hazard to navigation, the Secretary is authorized to remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of \$200,000, with an estimated Federal cost of \$150,000 and an estimated non-Federal cost of \$50,000.

The Secretary shall not remove the barge until title to such barge has been transferred to the United States.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the project authorized by this section shall be 25 percent. Revenue derived from the sale of scrap from this barge shall be credited toward the non-Federal share of the project cost.

**SEC. 362. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

The Secretary is authorized to construct 2 elevated water storage towers at Quonset Point-Davisville, Rhode Island, at a total cost of \$1,500,000, with an estimated Federal cost of \$1,125,000 and an estimated non-Federal cost of \$375,000. In conjunction with this project, the Secretary is authorized to relocate 6,000 linear feet of sewer lines to West Davisville, Rhode Island, at a total cost of \$1,000,000, with an estimated Federal cost of \$750,000 and an estimated non-Federal cost of \$250,000.

**SEC. 363. STILLWATER, MINNESOTA.**

The Secretary is authorized to undertake the repair and reconstruction of a flood wall system at Stillwater, Minnesota,

including an extension of such system to prevent the continuous eroding of the riverfront, at a total cost of \$3,200,000, with an estimated Federal cost of \$2,400,000 and an estimated non-Federal cost of \$800,000.

**SEC. 364. STORMWATER DISCHARGES.**

Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(D)) is amended—

(1) in paragraph (1) by striking “October 1, 1992” and inserting “October 1, 1994”; and

(2) in paragraph (6) by striking “October 1, 1992” and inserting “October 1, 1993”.

**TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT**

33 use 2329. **SEC. 401. INTERNATIONAL OUTREACH PROGRAM.**

(a) **IN GENERAL.**—The Secretary is authorized to engage in activities to inform the United States maritime industry and port authorities of technological innovations abroad that could significantly improve waterborne transportation in the United States, both inland and deep draft. Such activities may include—

(1) **development, monitoring, assessment, and dissemination of information about foreign water transportation and port facilities that could significantly improve water transportation in the United States;**

(2) research, development, training, and other forms of technology transfer and exchange; and

(3) offering technical services which cannot be readily obtained in the private sector to be incorporated in the proposals of port authorities or other water transportation developers if the costs for assistance will be recovered under the terms of each project.

(b) **COOPERATION.**—The Secretary may carry out the provisions of this section in cooperation with Federal departments and agencies, State and local agencies, authorities, institutions, corporations (profit or nonprofit), foreign governments, or other organizations.

(c) **FUNDING.**—The funds to carry out the provisions of this section shall include funds deposited in a special account

with the Secretary of the Treasury for such purposes by any cooperating entity or organization according to cost-sharing agreements proscribed by the Secretary. Reimbursement for services provided under this section shall be credited to the appropriation concerned.

33 use 2268. **SEC. 402. MARINE TECHNOLOGY REVIEW.**

(a) **DREDGING NEEDS.**—The Secretary is authorized to conduct such studies as are necessary to provide a report to Congress on the dredging needs of the national ports and harbors of the United States. The report shall include existing and projected future project depths, types and sizes of ships in use, and world trade patterns, an assessment of the future national waterside infrastructure needs, and a comparison of drafts of United States and selected world ports.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$2,500,000 to carry out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**SEC. 403. LA GUABDIA DIKE, NEW YORK.**

The responsibility of the Federal Government to maintain and operate a 1,400-foot earthen dike constructed by local interests in lieu of a 1,400-foot steel sheetpile breakwater authorized as part of the Flushing Bay and Creek, New York, project by the River and Harbor Act of 1962 (76 Stat. 1174) is not authorized after the date of the enactment of this Act.

**SEC. 404. ATLANTIC COAST OF NEW YORK.**

(a) **Development of Program.**—The Secretary is authorized and directed to develop a data collection and monitoring program of coastal processes for the Atlantic Coast of New York, from Coney Island to Montauk Point, with a view toward providing information necessary to develop a program for addressing post storm actions and long-term shoreline erosion control.

(b) **INITIAL PLAN.**—Not later than 12 months after the date of the enactment of this Act, the Secretary shall provide an initial plan for data collection and monitoring to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. Such initial plan shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated \$1,400,000 for each of fiscal years 1993, 1994,

1995, 1996, and 1997 to carry out this section. Such sums shall remain available until expended.

**SEC. 408. SEDIMENTS DECONTAMINATION TECHNOLOGY.**

33 USC

2239

(a)

**Decontamination Project.—**

note

(1) **Selection of technologies.**—Based upon a review of decontamination technologies identified pursuant to section 412(c) of the Water Resources Development Act of 1990, the Administrator of the Environmental Protection Agency and the Secretary shall, within 1 year after the date of the enactment of this Act, jointly select removal, pre-treatment, post-treatment, and decontamination technologies for contaminated marine sediments for a decontamination project in the New York/New Jersey Harbor.

(2) **Recommended program.**—Upon selection of technologies, the Administrator and the Secretary shall jointly recommend a program of selected technologies to assess their effectiveness in rendering sediments acceptable for unrestricted ocean disposal or beneficial reuse, or both.

(b) **Decontamination Defined.**—For purposes of this section, “decontamination” may include local or remote prototype or production and laboratory decontamination technologies, sediment pretreatment and post-treatment processes, and siting, economic, or other measures necessary to develop a matrix for selection of interim prototype or long-term processes. Decontamination techniques need not be preproven in terms of likely success.

(c) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

National **TITLE V—CONTAMINATED SEDIMENT AND OCEAN DUMPING**

Contaminated Sediment

Assessment and

Management **SEC. 501. SHORT TITLE AND DEFINITIONS.**

Act

33 USC 1271 (a) **SHORT TITLE.**—This title may be cited as the “National

note. Contaminated Sediment Assessment and Management Act”.

(b) **DEFINITIONS.**—For the purposes of sections 502 and

**503 of this title—**

(1) the term “aquatic sediment” means sediment underlying the navigable waters of the United States;

(2) the term “navigable waters” has the same meaning as in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7));

(3) the term “pollutant” has the same meaning as in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)); except that such term does not include dredge spoil, rock, sand, or cellar dirt;

(4) the term “contaminated sediment” means aquatic sediment which—

(A) contains chemical substances in excess of appropriate geochemical, toxicological or sediment quality criteria or measures; or

(B) is otherwise considered by the Administrator to pose a threat to human health or the environment; and

(5) the term “Administrator” means the Administrator of the Environmental Protection Agency.

**33 USC 1271SEC. 502. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.**

(a) **Establishment.**—There is established a National Contaminated Sediment Task Force (hereinafter referred to in this section as the “Task Force”). The Task Force shall—

(1) advise the Administrator and the Secretary in the implementation of this title;

(2) review and comment on reports concerning aquatic sediment quality and the extent and seriousness of aquatic sediment contamination throughout the Nation;

(3) review and comment on programs for the research and development of aquatic sediment restoration methods, practices, and technologies;

(4) review and comment on the selection of pollutants for development of aquatic sediment criteria and the schedule for the development of such criteria;

(5) advise appropriate officials in the development of guidelines for restoration of contaminated sediment;

(6) make recommendations to appropriate officials concerning practices and measures—

(A) to prevent the contamination of aquatic sediments;

and

(B) to control sources of sediment contamination; and

(7) review and assess the means and methods for locating and constructing permanent, cost-effective long-term disposal sites for the disposal of dredged material that is not suitable for ocean dumping (as determined under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The membership of the Task Force shall include 1 representative of each of the following:

(A) The Administrator.

(B) The Secretary.

(C) The National Oceanic and Atmospheric Administration.

(D) The United States Fish and Wildlife Service.

(E) The Geological Survey.

(F) The Department of Agriculture.

(2) **ADDITIONAL MEMBERS.**—Additional members of the Task Force shall be jointly selected by the Administrator and the Secretary, and shall include—

(A) not more than 3 representatives of States;

(B) not more than 3 representatives of ports, agriculture, and manufacturing; and

(C) not more than 3 representatives of public interest organizations with a demonstrated interest in aquatic sediment contamination.

(3) **COCHAIRMEN.**—The Administrator and the Secretary shall serve as cochairmen of the Task Force.

(4) **CLERICAL AND TECHNICAL ASSISTANCE.**—Such clerical and technical assistance as may be necessary to discharge the duties of the Task Force shall be provided by the personnel of the Environmental Protection Agency and the Army Corps of Engineers.

(5) **COMPENSATION FOR ADDITIONAL MEMBERS.**—The additional members of the Task Force selected under paragraph

(2) shall, while attending meetings or conferences of the Task Force, be compensated at a rate to be fixed by the cochairmen, but not to exceed



the daily equivalent of the base rate of pay in effect for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Task Force. While away from their homes or regular places of business in the performance of services for the Task Force, such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(c) **REPORT.**—Within 2 years after the date of the enactment of this Act, the Task Force shall submit to Congress a report stating the findings and recommendations of the Task Force.

**SEC. 503. SEDIMENT SURVEY AND MONITORING.** 33USC  
1271.

**(a) SURVEY.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive national survey of data regarding aquatic sediment quality in the United States. The Administrator shall compile all existing information on the quantity, chemical and physical composition, and geographic location of pollutants in aquatic sediment, including the probable source of such pollutants and identification of those sediments which are contaminated pursuant to section 501(b)(4).

(2) **REPORT.**—Not later than 24 months after the date of the enactment of this Act, the Administrator shall report to the Congress the findings, conclusions, and recommendations of such survey, including recommendations for actions necessary to prevent contamination of aquatic sediments and to control sources of contamination.

**(b) MONITORING.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive and continuing program to assess aquatic sediment quality. The program conducted pursuant to this subsection shall, at a minimum—

- (A) identify the location of pollutants in aquatic sediment;
- (B) identify the extent of pollutants in sediment and those sediments which are contaminated pursuant to section 501(b)(4);
- (C) establish methods and protocols for monitoring the physical,

chemical, and biological effects of pollutants in aquatic sediment and of contaminated sediment;

(D) develop a system for the management, storage, and dissemination of data concerning aquatic sediment quality;

(E) provide an assessment of aquatic sediment quality trends over time;

(F) identify locations where pollutants in sediment may pose a threat to the quality of drinking water supplies, fisheries resources, and marine habitats; and

(G) establish a clearing house for information on technology, methods, and practices available for the remediation, decontamination, and control of sediment contamination.

(2) **REPORT.**—The Administrator shall submit to Congress a report on the findings of the monitoring under paragraph (1) on the date that is 2 years after the date specified in subsection (aX2) and biennially thereafter.

#### **SEC. 604. CONCURRENCE BY THE ADMINISTRATOR**

(a) **CONCURRENCE BY THE ADMINISTRATOR.**—Section 103(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(c)) is amended to read as follows:

“(c) **CONCURRENCE BY THE ADMINISTRATOR.**—

“(1) **NOTIFICATION.**—Prior to issuing a permit to any person under this section, the Secretary shall first notify the Administrator of the Secretary’s intention to do so and provide necessary and appropriate information concerning the permit to the Administrator. Within 30 days of receiving such information, the Administrator shall review the information and request any additional information the Administrator deems necessary to evaluate the proposed permit.

“(2) **CONCURRENCE BY ADMINISTRATOR.**—Within 45 days after receiving from the Secretary all information the Administrator considers to be necessary to evaluate the proposed permit, the Administrator shall, in writing, concur with (either entirely or with conditions) or decline to concur with the determination of the Secretary as to compliance with the criteria, conditions, and restrictions established pursuant to sections 102(a) and 102(c) relating to the environmental impact of the permit. The Administrator may request one 45-day extension in writing and the Secretary shall grant such request on receipt of the request.

“(3) **EFFECT OF CONCURRENCE.**—In any case where the Administrator makes a determination to concur (with or without

conditions) or to decline to concur within the time period specified in paragraph (2) the determination shall prevail. If the Administrator declines to concur in the determination of the Secretary no permit shall be issued. If the Administrator concurs with conditions the permit shall include such conditions. The Administrator shall state in writing the reasons for declining to concur or for the conditions of the concurrence.

“(4) **Failure to ACT.**—If no written documentation is made by the Administrator within the time period provided for in paragraph (2), the Secretary may issue the permit.

“(5) **COMPLIANCE WITH CRITERIA AND RESTRICTIONS.**—

Unless the Administrator grants a waiver pursuant to subsection (d), any permit issued by the Secretary shall require compliance with such criteria and restrictions.”

(b) **CONFORMING AMENDMENT.**—Section 103(e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(e)) is amended by inserting “and section 104 (a) and (d)” before the period.

#### **SEC. BOS. STATE OCEAN DUMPING REQUIREMENTS.**

Section 106(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416(d)) is amended to read as follows:

“(d) **STATE PROGRAMS.**—

(1) **STATE RIGHTS PRESERVED.**—Except as expressly provided in this subsection, nothing in this title shall preclude or deny the right of any State to adopt or enforce any requirements respecting dumping of materials into ocean waters within the jurisdiction of the State.

“(2) **FEDERAL projects.**—**In the case of a Federal project, a State may not adopt or enforce a requirement that is more stringent than a requirement under this title if the Administrator finds that such requirement—**

“(A) is not supported by relevant scientific evidence showing the requirement to be protective of human health, aquatic resources, or the environment;

“(B) is arbitrary or capricious; or

“(C) is not applicable or is not being applied to all projects without regard to Federal, State, or private participation and the Secretary of the Army concurs in such finding.

“(3) **EXEMPTION FROM STATE REQUIREMENTS.**—The President may exempt a Federal project from any State requirement respecting dumping of materials into ocean waters if it is in the paramount interest of the

United States to do so.

“(4) **Consideration of site of origin prohibited.**—Any requirement respecting dumping of materials into ocean waters applied by a State shall be applied without regard to the site of origin of the material to be dumped.”

**SEC. 006. SITE DESIGNATION.**

(a) **Site Designation Amendments.**—Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1412(c)) is amended to read as follows:

“(c) **Designation of Sites.**—

“(1) **In general.**—The Administrator shall, in a manner consistent with the criteria established pursuant to subsection (a) , designate sites or time periods for dumping. The Administrator shall designate sites or time periods for dumping that will mitigate adverse impact on the environment to the greatest extent practicable.

“(2) **PROHIBITIONS REGARDING SITE OR TIME PERIOD.**—In any case where the Administrator determines that, with respect to certain materials, it is necessary to prohibit dumping at a site or during a time period, the Administrator shall prohibit the dumping of such materials in such site or during such time period. This prohibition shall apply to any dumping at the site or during such time period. This prohibition shall apply to any dumping at the site or during the time period, including any dumping under section 103(e).

“(3) **Dredged material disposal sites.**—In the case of dredged material disposal sites, the Administrator, in conjunction with the Secretary, shall develop a site management plan for each site designated pursuant to this section. In developing such plans, the Administrator and the Secretary shall provide opportunity for public comment. Such plans shall include, but not be limited to—

“(A) a baseline assessment of conditions at the site; “(B) a program for monitoring the site;

“(C) special management conditions or practices to be implemented at each site that are necessary for protection of the environment;

“(D) consideration of the quantity of the material to be disposed of at the site, and the presence, nature, and bioavailability of the contaminants in the material;

“(E) consideration of the anticipated use of the site over the long term, including the anticipated closure date for the site, if applicable,

and any need for management of the site after the closure of the site;  
and

“(F) a schedule for review and revision of the plan (which shall not be reviewed and revised less frequently than 10 years after adoption of the plan, and every 10 years thereafter).

**(4) GENERAL SITE MANAGEMENT PLAN REQUIREMENT; PROHIBITIONS.**—After January 1, 1995, no site shall receive a final designation unless a management plan has been developed pursuant to this section. Beginning on January 1, 1997, no permit for dumping pursuant to this Act or authorization for dumping under section 103(e) of this Act shall be issued for a site unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 103(b).

**“(5) MANAGEMENT PLANS FOR PREVIOUSLY DESIGNATED SITES.**—The Administrator shall develop a site management plan for any site designated prior to January 1, 1995, as expeditiously as practicable, but not later than January 1, 1997, giving priority consideration to management plans for designated sites that are considered to have the greatest impact on the environment.”.

**(b) SITE USE CLARIFICATION.**—Section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) is amended—

(1) in the last sentence by inserting “maximum” before “extent feasible”; and

(2) by adding at the end the following: “In any case in which the use of a designated site is not feasible, the Secretary may, with the concurrence of the Administrator, select an alternative site. The criteria and factors established in section 102(a) relating to site selection shall be used in selecting the alternative site in a manner consistent with the application of such factors and criteria pursuant to section 102(c). Disposal at or in the vicinity of an alternative site shall be limited to a period of not greater than 5 years unless the site is subsequently designated pursuant to section 102(c); except that an alternative site may continue to be used for an additional period of time that shall not exceed 5 years if—

“(1) no feasible disposal site has been designated by the Administrator,

“(2) the continued use of the alternative site is necessary to maintain navigation and facilitate interstate or international commerce; and

“(3) the Administrator determines that the continued use of the site does not pose an unacceptable risk to human health, aquatic resources, or the environment.”

#### **SEC. 507. PERMIT CONDITIONS.**

(a) **MANAGEMENT PLAN.**—Section 104(aX4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(aX4)) is amended to read as follows: “(4) such requirements, limitations, or conditions as are necessary to assure consistency with any site management plan approved pursuant to section 102(c);”.

(b) **PERMIT TERM.**—Section 104(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(a)), is amended by adding at the end the following: “Permits issued under this title shall be issued for a period of not to exceed 7 years.”.

(c) **Review.**—Section 104(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(d)) is amended by adding after “where he finds” the following: “, based upon monitoring data from the dump site and surrounding area,”.

#### **SEC. SOB. OCEAN DUMPING PENALTIES.**

(a) **PENALTY.**—Section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)) is amended to read as follows:

“(b) **CRIMINAL PENALTIES.**—In addition to any action that may be brought under subsection (a)—

“(1) any person who knowingly violates any provision of this title, any regulation promulgated under this title, or a permit issued under this title, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; and

“(2) any person who is convicted of such a violation pursuant to paragraph (1) shall forfeit to the United States—

“(A) any property constituting or derived from any proceeds that the person obtained, directly or indirectly, as a result of such violation; and

“(B) any of the property of the person which was used, or intended to be used in any manner or part, to commit or to facilitate the commission of the violation”.

(b) **SEIZURE AND FORFEITURE.**—Section 105 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33

U.S.C. 1415) is amended by adding at the end the following:

“(i) **SEIZURE AND FORFEITURE.**—

“(1) **IN GENERAL.**—Any vessel used to commit an act for which a penalty is imposed under section 10506 shall be subject to seizure and forfeiture to the United States under procedures established for seizure and forfeiture of conveyances under sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853, 881).”

“(2) **LIMITATION ON APPLICATION.**—This subsection does not apply to an act committed substantially in accordance with a compliance agreement or enforcement agreement entered into by the Administrator under section 104B(c).”

#### **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

(a) **GENERAL AUTHORIZATION.**—Section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended by striking “for each of” and all that follows through the period at the end of the section and inserting the following: “for fiscal year 1993 and not to exceed \$14,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997, to remain available until expended.”

(b) **Task Force, Survey and Monitoring.**—There is authorized to be appropriated to the Administrator to carry out sections 502 and 503 such sums as may be necessary.

#### **SEC. 510. REPORT TO CONGRESS.**

Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421) is amended by adding at the end the following: “Such report shall include a description of the number of permits issued under this title (including the number of permits issued by the Secretary with the concurrence of the Administrator),

any actions taken under subsections (c) and (d) of section 103, and for each permit, the site receiving the material, the volume and characteristics of material dumped (including the extent and nature of pollutants in such material), and the management practices implemented in connection with each disposal activity.”

Approved October 31, 1992.

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