

PROVIDING FOR THE CONSIDERATION OF H.R. 1480, THE  
WATER RESOURCES DEVELOPMENT ACT OF 1999

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APRIL 28, 1999.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 154]

The Committee on Rules, having had under consideration House Resolution 154, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1480, the “Water Resources Development Act of 1999,” under a structured rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for purpose of amendment, modified by the amendments printed in part 1 of this report. The rule also waives all points of order against consideration of the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part 2 of this report. Amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote fol-

lows a fifteen minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

The waiver of all points of order includes a waiver of clause 4 of rule XIII (requiring a three-day layover of the committee report), which is necessary because the report was not printed until Tuesday, April 27, and the bill will be considered on the floor on Thursday, April 29. The waiver also includes a waiver of clause 4 of rule XXI (prohibiting appropriations in a legislative bill), which is necessary because certain provisions in H.R. 1480 transfer funds from one account to another in FY 1999.

#### SUMMARY OF AMENDMENTS MADE IN ORDER

##### *Part 1—Amendments that modify the amendment in the nature of a substitute*

Boehlert: Strikes American River basin provisions.

##### *Part 2—Amendments made in order under the rule*

Shuster—10 minutes: Manager's Amendment. The amendment makes technical and conforming changes; makes modifications to several projects currently in the reported bill; includes several flood control and navigation projects; includes project deauthorizations; includes studies; and includes provisions based on discussions with other committees.

Oberstar—40 minutes: Replaces the flood control provisions for Sacramento, California that were adopted in committee reported version of H.R. 1480.

Stupak—10 minutes: Directs the Secretary to review and, if applicable, reimburse the city of Charlevoix, Michigan, for repairs conducted on a seawall in Charlevoix Harbor.

Hilleary—10 minutes: Provides a statewide authorization for the Corps of Engineers to provide environmental assistance to non-Federal interests in Tennessee.

Pickett—10 minutes: Provides for periodic beach nourishment at Sandbridge, Virginia.

Riley—10 minutes: Sense of Congress that the meaning of "water quality" is to be considered in all water quality negotiations as consistent with current federal law governing water quality.

#### PART 1—AMENDMENTS MODIFYING THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 9, strike lines 5 through 10.

Page 9, line 11, strike "(D)" and insert "(C)".

Page 9, lines 12 and 13, strike "OPERATION.—" and all that follows through "The" and insert "OPERATION.—The".

Page 10, strike lines 3 through 19.

Page 10, line 20, strike "(E)" and insert "(D)".

Page 11, strike lines 3 through 9.

Page 93, lines 2 and 3, strike "the date of enactment of this Act" and insert "September 30, 1999".

Page 93, line 21, strike "The" and insert "Effective October 1, 1999, the".

Page 170, strike line 3 and all that follows through line 12 on page 171. Conform the table of contents of the bill accordingly.

Page 199, line 23, strike “**water supply**” and insert “**additional flood control**”. Conform the table of the contents of the bill accordingly.

Page 200, line 5, strike “by replacing” and all that follows through line 21 and insert a period and the following:

(2) LIMITATIONS.—The study of the Folsom Dam and Reservoir undertaken under paragraph (1) shall assume that there is to be no increase in conservation storage at the Folsom Reservoir.

Page 200, strike line 22 and insert the following:

(3) REPORT.—Not later than March 1, 2000, the

Page 200, strike line 25 and all that follows through line 13 on page 203 and insert the following:

(b) AMERICAN AND SACRAMENTO RIVERS FLOOD CONTROL STUDY.—

Page 203, strike line 20 and all that follows through line 3 on page 215 and insert the following:

(2) DEADLINE FOR COMPLETION.—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study undertaken under this subsection.

Redesignate subsequent sections, and conform the table of the contents, accordingly.

## PART 2—AMENDMENTS MADE IN ORDER UNDER THE RULE

### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 101(a)(6) of the bill, strike “at a total cost of” and all that follows and insert the following:

at a total cost of \$140,328,000, with an estimated Federal cost of \$70,164,000 and an estimated non-Federal cost of \$70,164,000.

In section 101(a)(8) of the bill, strike all after “\$3,375,000” and insert a period.

In section 101(a)(9) of the bill, strike all after “\$2,675,000” and insert a period.

In section 101(a)(10) of the bill, strike all after “\$773,000” and insert a period.

In section 101(a)(18) of the bill, strike all after “\$3,834,000” and insert a period.

In section 101(a)(19) of the bill, strike all after “\$19,776,000” and insert a period.

In section 101(a) of the bill, after paragraph (4) insert the following:

(5) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Harbor, California: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$252,290,000, with an estimated Federal cost of \$128,081,000 and an estimated non-Federal cost of \$124,209,000.

In section 101(a) of the bill, after paragraph (10) insert the following:

(11) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-VILLAS AND VICINITY, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline,

Delaware and New Jersey-Villas and vicinity, New Jersey: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$7,520,000, with an estimated Federal cost of \$4,888,000 and an estimated non-Federal cost of \$2,632,000.

(12) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$22,205,000, with an estimated Federal cost of \$14,433,000 and an estimated non-Federal cost of \$7,772,000.

In section 101(a) of the bill, insert after paragraph (17) the following (and redesignate paragraphs accordingly):

(18) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$42,875,000, with an estimated Federal cost of \$25,596,000 and an estimated non-Federal cost of \$17,279,000.

In section 101(b)(7) of the bill, strike all after “\$7,772,000” and insert a period.

In section 101(b)(12) of the bill, strike all after “\$1,740,000” and insert a period.

In section 101(b) of the bill, strike paragraph (4) and insert the following:

(4) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: OAKWOOD BEACH, NEW JERSEY.—The project for shore protection, Delaware Bay Coastline, Delaware and New Jersey: Oakwood Beach, New Jersey, at a total cost of \$3,360,000, with an estimated Federal cost of \$2,184,000 and an estimated non-Federal cost of \$1,176,000.

In section 101(b) of the bill, strike paragraphs (6) and (7) and redesignate accordingly.

At the end of section 104 of the bill, insert the following:

(18) FAIRPORT HARBOR, OHIO.—Project for navigation, Fairport Harbor, Ohio, including a recreation channel.

At the end of title II of the bill, insert the following:

**SEC. 229. WETLANDS MITIGATION.**

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

Conform the table of contents of the bill accordingly.

In section 304 of the bill, insert “River” after “St. Francis”.

In section 310 of the bill—

(1) insert “, Potomac River, Washington, District of Columbia,” after “for flood control”;

- (2) strike “as” and insert “and”; and
- (3) strike “\$5,965,000” and insert “\$6,129,000”.

In section 326 of the bill, strike “cannal” and insert “Canal”.  
In section 351 of the bill—

- (1) insert “(a) AUTHORIZATION OF APPROPRIATIONS.—” before “Section”; and

(2) add at the end the following:

(b) CORPS OF ENGINEERS EXPENSES.—Section 313(g) of such Act (106 Stat. 4846) is amended by adding at the end the following:

“(4) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section for each of fiscal years 2000 through 2002 may be used by the Corps of Engineers district offices to administer and implement projects under this section at 100 percent Federal expense.”.

Strike section 354 of the bill and insert the following:

**SEC. 354. CLEAR CREEK, TEXAS.**

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended—

(1) in subsection (a)—

(A) by inserting “or nonstructural (buyout) actions” after “flood control works constructed”; and

(B) by inserting “or nonstructural (buyout) actions” after “construction of the project”; and

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (3) and inserting “; and”; and

(C) by adding at the end the following:

“(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).”.

In section 356 of the bill, strike “modified—” and all that follows and insert the following:

modified to add environmental restoration and recreation as project purposes.

In section 363(d) of the bill, strike “(1) IN GENERAL.—”.

In section 363(d) of the bill, strike paragraph (2).

In section 364(a) of the bill, after paragraph (5) insert the following (and redesignate paragraph (6) as paragraph (7)):

(6) CARVERS HARBOR, VINALHAVEN, MAINE.—That portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the “River and Harbor Appropriations Act of 1896”) (29 Stat. 202, chapter 314), consisting of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

In section 364(a) of the bill, after paragraph (7), (as so redesignated) insert the following (redesignate subsequent paragraphs accordingly):

(8) SEARSPORT HARBOR, SEARSPORT, MAINE.—That portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

In section 364(c) of the bill—

- (1) strike “(a)(7)” each place it appears and insert “(a)(9)”;
- (2) strike “project for navigation,” each place it appears; and
- (3) add at the end the following:
  - (5) ADDITIONAL ACTIONS.—In carrying out the operation and the maintenance of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9), the Secretary shall undertake each of the actions of the Corps of Engineers specified in section IV(B) of the memorandum of agreement relating to the project dated January 20, 1998, including those actions specified in such section IV(B) that the parties agreed to ask the Corps of Engineers to undertake.

In section 364(d) of the bill, strike “(a)(9)” and insert “(a)(11)”.

At the end of title III of the bill, add the following (and conform the table of contents of the bill accordingly):

**SEC. 367. SOUTHERN WEST VIRGINIA PILOT PROGRAM.**

Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section \$40,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.”.

**SEC. 368. BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.**

The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, as authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199), is modified to authorize the Secretary to acquire lands for mitigation of the habitat losses attributable to the project, including the navigation channel, dredged material disposal areas, and other areas directly impacted by construction of the project. Notwithstanding section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the Secretary may construct the project prior to acquisition of the mitigation lands if the Secretary takes such actions as may be necessary to ensure that any required mitigation lands will be acquired not later than 2 years after initiation of construction of the new channel and such acquisition will fully mitigate any adverse environmental impacts resulting from the project.

**SEC. 369. TROPICANA WASH AND FLAMINGO WASH, NEVADA.**

Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Re-

sources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

**SEC. 370. COMITE RIVER, LOUISIANA.**

The Comite River Diversion Project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802–4803) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3709–3710), is further modified to authorize the Secretary to include the costs of highway relocations to be cost shared as a project construction feature if the Secretary determines that such treatment of costs is necessary to facilitate construction of the project.

**SEC. 371. ST. MARY'S RIVER, MICHIGAN.**

The project for navigation, St. Mary's River, Michigan, is modified to direct the Secretary to provide an additional foot of over-draft between Point Louise Turn and the Locks and Sault Saint Marie, Michigan, consistent with the channels upstream of Point Louise Turn. The modification shall be carried out as operation and maintenance to improve navigation safety.

At the end of section 408 of the bill, add the following:

(c) CONSULTATION AND USE OF EXISTING DATA.—The Secretary shall consult with appropriate State and Federal agencies and shall make maximum use of existing data and ongoing programs and efforts of States and Federal agencies in conducting the study.

In section 425(a) of the bill, strike “Such study” and all that follows.

In section 425(c) of the bill, strike “\$1,400,000” and insert “\$1,000,000”.

At the end of title IV of the bill, insert the following (and conform the table of contents of the bill accordingly):

**SEC. 428. DEL NORTE COUNTY, CALIFORNIA.**

The Secretary shall undertake and complete a feasibility study for designating a permanent disposal site for dredged materials from Federal navigation projects in Del Norte County, California.

**SEC. 429. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

(a) PLAN.—The Secretary, in coordination with State and local governments and appropriate Federal and provincial authorities of Canada, shall develop a comprehensive management plan for St. Clair River and Lake St. Clair. Such plan shall include the following elements:

(1) The causes and sources of environmental degradation.

(2) Continuous monitoring of organic, biological, metallic, and chemical contamination levels.

(3) Timely dissemination of information of such contamination levels to public authorities, other interested parties, and the public.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report that includes the plan developed under subsection (a), together with recommendations of potential restoration measures.

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

**SEC. 430. CUMBERLAND COUNTY, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of improvements to regional water supplies for Cumberland County, Tennessee.

In the matter proposed to be inserted in section 219(e) of the Water Resources Development Act of 1992 by section 502 of the bill, strike “and” at the end of paragraph (7) and all that follows through paragraph (8) and insert the following:

- “(8) \$30,000,000 for the project described in subsection (c)(17);
- “(9) \$20,000,000 for the project described in subsection (c)(19);
- “(10) \$15,000,000 for the project described in subsection (c)(20);
- “(11) \$11,000,000 for the project described in subsection (c)(21);
- “(12) \$2,000,000 for the project described in subsection (c)(22);
- “(13) \$3,000,000 for the project described in subsection (c)(23);
- “(14) \$1,500,000 for the project described in subsection (c)(24);
- “(15) \$2,000,000 for the project described in subsection (c)(25);
- “(16) \$8,000,000 for the project described in subsection (c)(26);
- “(17) \$8,000,000 for the project described in subsection (c)(27), of which \$3,000,000 shall be available only for providing assistance for the Montoursville Regional Sewer Authority, Lycoming County;
- “(18) \$10,000,000 for the project described in subsection (c)(28); and
- “(19) \$1,000,000 for the project described in subsection (c)(29).”.

At the end of section 517 of the bill, insert the following:

(c) NASHUA, NEW HAMPSHIRE.—Section 219(c) of such Act is amended by adding at the end the following:

- “(19) NASHUA, NEW HAMPSHIRE.—A sewer and drainage system separation and rehabilitation program for Nashua, New Hampshire.”.

(d) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—Section 219(c) of such Act is further amended by adding at the end the following:

- “(20) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—Elimination or control of combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.”.

(e) ADDITIONAL PROJECT DESCRIPTIONS.—Section 219(c) of such Act is further amended by adding at the end the following:

- “(21) FINDLAY TOWNSHIP, PENNSYLVANIA.—Water and sewer lines in Findlay Township, Allegheny County, Pennsylvania.



“(22) DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.—Water and sewer systems in Franklin Township, York County, Pennsylvania.

“(23) HAMPTON TOWNSHIP, PENNSYLVANIA.—Water, sewer, and stormsewer improvements in Hampton Township, Cumberland County, Pennsylvania.

“(24) TOWAMENCIN TOWNSHIP, PENNSYLVANIA.—Sanitary sewer and water lines in Towamencin Township, Montgomery County, Pennsylvania.

“(25) DAUPHIN COUNTY, PENNSYLVANIA.—Combined sewer and water system rehabilitation for the City of Harrisburg, Dauphin County, Pennsylvania.

“(26) LEE, NORTON, WISE, AND SCOTT COUNTIES, VIRGINIA.—Water supply and wastewater treatment in Lee, Norton, Wise, and Scott Counties, Virginia.

“(27) NORTHEAST PENNSYLVANIA.—Water-related infrastructure in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties, Pennsylvania, including assistance for the Montoursville Regional Sewer Authority, Lycoming County.

“(28) CALUMET REGION, INDIANA.—Water-related infrastructure in Lake and Porter Counties, Indiana.

“(29) CLINTON COUNTY, PENNSYLVANIA.—Water-related infrastructure in Clinton County, Pennsylvania.”.

At the end of section 518 of the bill, insert the following:

(4) Columbia Slough, Portland, Oregon, project for ecosystem restoration.

(5) Ohio River Greenway, Indiana, project for environmental restoration and recreation.

In section 523(b) of the bill, strike “the Secretary shall” and insert “the Secretary may”.

After section 573 of the bill, insert the following:

**SEC. 574. WEST BATON ROUGE PARISH, LOUISIANA.**

The Secretary shall expedite completion of the report for the West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications along the Mississippi River.

Conform the table of contents of the bill accordingly.

At the end of section 578 of the bill, add the following:

(k) MERRISACH LAKE, ARKANSAS COUNTY, ARKANSAS.—

(1) LAND CONVEYANCE.—Notwithstanding any other provision of law, the Secretary shall convey to eligible private property owners at fair market value, as determined by the Secretary, all right, title, and interest of the United States in and to certain lands acquired for Navigation Pool No. 2, McClellan-Kerr Arkansas River Navigation System, Merrisach Lake Project, Arkansas County, Arkansas.

(2) PROPERTY DESCRIPTION.—The lands to be conveyed under paragraph (1) include those lands lying between elevation 163, National Geodetic Vertical Datum of 1929, and the Federal Government boundary line for Tract Numbers 102, 129, 132-1, 132-2, 132-3, 134, 135, 136-1, 136-2, 138, 139, 140, 141, 142, 143, 144, and 145, located in sections 18, 19, 29, 30, 31, and 32, Township 7 South, Range 2 West, and the SE<sup>1</sup>/<sub>4</sub> of Section 36, Township 7 South, Range 3 West, Fifth Principal Me-

ridian, with the exception of any land designated for public park purposes.

(3) **TERMS AND CONDITIONS.**—Any lands conveyed under paragraph (1) shall be subject to—

(A) a perpetual flowage easement prohibiting human habitation and restricting construction activities;

(B) the reservation of timber rights by the United States; and

(C) such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(4) **ELIGIBLE PROPERTY OWNER DEFINED.**—In this subsection, the term “eligible private property owner” means the owner of record of land contiguous to lands owned by the United States in connection with the project referred to in paragraph (1).

In section 583(b) of the bill, strike “The Secretary shall” and insert “The Secretary may”.

At the end of title V of the bill, add the following (and conform the table of contents of the bill accordingly):

**SEC. 585. NORTHEASTERN MINNESOTA.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in northeastern Minnesota.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in northeastern Minnesota, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

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

(d) **LOCAL COOPERATION AGREEMENT.**—

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

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

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

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

(3) **COST SHARING.**—

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

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

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

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

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

(f) REPORT.—Not later than December 31, 2001, 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) NORTHEASTERN MINNESOTA DEFINED.—In this section, the term "northeastern Minnesota" means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, Benton, Sherburne, Isanti, and Chisago, Minnesota.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

**SEC. 586. ALASKA.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in Alaska.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Alaska, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENTS.—The Secretary may provide assistance for a project under this section only if the project is publicly owned or is owned by a native corporation as defined by section 1602 of title 43, United States Code.

(d) LOCAL COOPERATION AGREEMENTS.—

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

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

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

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

(3) COST SHARING.—

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

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

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

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

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

(f) **REPORT.**—Not later than December 31, 2001, 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 OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

**SEC. 587. CENTRAL WEST VIRGINIA.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in central West Virginia.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in central West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

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

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

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

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

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

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

(3) **COST SHARING.**—

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

(B) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) **CREDIT FOR INTEREST.**—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest in-

curred in providing the non-Federal share of a project's cost.

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

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

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

(f) REPORT.—Not later than December 31, 2001, 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) CENTRAL WEST VIRGINIA DEFINED.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Nicholas, Braxton, Gilmer, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years beginning after September 30, 1999. Such sums shall remain available until expended.

**SEC. 588. SACRAMENTO METROPOLITAN AREA WATERSHED RESTORATION, CALIFORNIA.**

(a) IN GENERAL.—The Secretary is authorized to undertake environmental restoration activities included in the Sacramento Metropolitan Water Authority's “Watershed Management Plan”. These activities shall be limited to cleanup of contaminated groundwater resulting directly from the acts of any Federal agency or Department of the Federal government at or in the vicinity of McClellan Air Force Base, California; Mather Air Force Base, California; Sacramento Army Depot, California; or any location within the watershed where the Federal government would be a responsible party under any Federal environmental law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years beginning after September 30, 1999.

**SEC. 589. ONONDAGA LAKE.**

(a) IN GENERAL.—The Secretary is authorized to plan, design, and construct projects for the environmental restoration, conservation, and management of Onondaga Lake, New York, and to provide, in coordination with the Administrator of the Environmental

Protection Agency, financial assistance to the State of New York and political subdivisions thereof for the development and implementation of projects to restore, conserve, and manage Onondaga Lake.

(b) PARTNERSHIP.—In carrying out this section, the Secretary shall establish a partnership with appropriate Federal agencies (including the Environmental Protection Agency) and the State of New York and political subdivisions thereof for the purpose of project development and implementation. Such partnership shall be dissolved not later than 15 years after the date of enactment of this Act.

(c) COST SHARING.—The non-Federal share of the cost of a project constructed under subsection (a) shall be not less than 30 percent of the total cost of the project and may be provided through in-kind services.

(d) EFFECT ON LIABILITY.—Financial assistance provided under this section shall not relieve from liability any person who would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out the purposes of this section.

**SEC. 590. EAST LYNN LAKE, WEST VIRGINIA.**

The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority.

**SEC. 591. EEL RIVER, CALIFORNIA.**

The Secretary shall conduct a study to determine if flooding in the city of Ferndale, California, is the result of a Federal flood control project on the Eel River. If the Secretary determines that the flooding is the result of the project, the Secretary shall take appropriate measures (including dredging of the Salt River and construction of sediment ponds at the confluence of Francis, Reas, and Williams Creeks) to mitigate the flooding.

**SEC. 592. NORTH LITTLE ROCK, ARKANSAS.**

(a) IN GENERAL.—The Secretary shall review a report prepared by the non-Federal interest concerning flood protection for the Dark Hollow area of North Little Rock, Arkansas. If the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is economically justified, technically sound, and environmentally acceptable, the Secretary shall carry out the project.

(b) TREATMENT OF DESIGN AND PLAN PREPARATION COSTS.—The costs of design and preparation of plans and specifications shall be included as project costs and paid during construction.

**SEC. 593. UPPER MISSISSIPPI RIVER, MISSISSIPPI PLACE, ST. PAUL, MINNESOTA.**

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement to participate in a project for the planning, design, and construction of infrastructure and other improvements at Mississippi Place, St. Paul, Minnesota.

## (b) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project shall be 50 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(2) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for reasonable costs incurred by the non-Federal interests as a result of participation in the planning, design, and construction of the project.

(3) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for land, easements, rights-of-way, and relocations provided by the non-Federal interest with respect to the project.

(4) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for the project shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to carry out this section.

## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBERSTAR OF MINNESOTA, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

Strike section 101(a)(4) of the bill and insert the following:

## (4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The Folsom Dam Modification portion of the Folsom Modification Plan described in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, as modified by the report entitled “Folsom Dam Modification Report, New Outlets Plan,” dated March 1998, prepared by the Sacramento Area Flood Control Agency, at an estimated cost of \$150,000,000, with an estimated Federal cost of \$97,500,000 and an estimated non-Federal cost of \$52,500,000. The Secretary shall coordinate with the Secretary of the Interior with respect to the design and construction of modifications at Folsom Dam authorized by this paragraph.

(B) REOPERATION MEASURES.—Upon completion of the improvements to Folsom Dam authorized by subparagraph (A), the variable space allocated to flood control within the Reservoir shall be reduced from the current operating range of 400,000–670,000 acre-feet to 400,000–600,000 acre-feet.

(C) COST OF FOLSOM RESERVOIR REOPERATION MEASURES.—Section 101(a)(1)(D)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) is amended by striking “during” and all that follows through “thereafter”.

(D) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—

(i) IN GENERAL.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the op-



eration of Folsom Dam and reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

(ii) COST SHARING.—Seventy-five percent of the costs of the replacement water provided under clause (i) shall be paid for on a non-reimbursable basis by the Secretary of the Interior at Federal expense. The remaining 25 percent of such costs shall be provided by the Sacramento Area Flood Control Agency.

(iii) LIMITATION.—To the extent that any funds in excess of the non-Federal share are provided by the Sacramento Area Flood Control Agency, the Secretary shall reimburse such non-Federal interests for such excess funds. Costs for replacement water may not exceed 125 percent of the current average market price for raw water, as determined by the Secretary of the Interior.

(E) SIGNIFICANT IMPACT ON RECREATION.—For the purposes of this paragraph, a significant impact on recreation is defined as any impact that results in a lake elevation at Folsom Reservoir below 435 feet above sea level starting on May 15 and ending on September 15 of any given year.

(F) EVALUATION.—For purposes of this paragraph, in evaluating the impacts on recreation at Folsom Reservoir caused by the variable flood control operation of Folsom Dam, the Secretary shall take into consideration the effect of measures authorized by section 581(b) of this Act.

Strike section 365 of the bill and insert the following:

**SEC. 365. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.**

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663), is modified to direct the Secretary to include the following improvements as part of the overall project:

(1) Raising the left bank of the non-Federal levee upstream of the Mayhew Drain for a distance of 4,500 feet by an average of 2.5 feet.

(2) Raising the right bank of the American River levee from 1,500 feet upstream to 4,000 feet downstream of the Howe Avenue bridge by an average of 1 foot.

(3) Modifying the south levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the south levee is consistent with the level of protection provided by the authorized levee along the east bank of the Sacramento River.

(4) Modifying the north levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the height of the levee is equivalent to the height of the south levee as authorized by paragraph (3).

(5) Installing gates to the existing Mayhew Drain culvert and pumps to prevent backup of floodwater on the Folsom Boulevard side of the gates.

(6) Installation of a slurry wall in the north levee of the American River from the east levee of the Natomas east Main Drain upstream for a distance of approximately 1.2 miles.

(7) Installation of a slurry wall in the north levee of the American River from 300 feet west of Jacob Lane north for a distance of approximately 1 mile to the end of the existing levee.

(b) **COST LIMITATIONS.**—Section 101(a)(1)(A) of the Water Resources Development Act of 1996 (110 Stat. 3662) is amended by striking “at a total cost of” and all that follows through “\$14,225,000,” and inserting the following: “at a total cost of \$91,900,000, with an estimated Federal cost of \$68,925,000 and an estimated non-Federal cost of \$22,975,000,”.

(c) **COST SHARING.**—For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

Strike section 580 of the bill and insert the following:

**SEC. 580. FOLSOM DAM AND RESERVOIR ADDITIONAL STORAGE AND WATER SUPPLY STUDIES.**

(a) **FOLSOM FLOOD CONTROL STUDIES.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the State of California and local water resources agencies, shall undertake a study of increasing surcharge flood control storage at the Folsom Dam and Reservoir by replacing the 8 spillway gates and raising the dam and embankment by 6.5 feet or the amount needed to achieve a 140-year level of flood protection, whichever provides the greater level of flood protection.

(2) **DETERMINATION OF 140-YEAR LEVEL OF FLOOD PROTECTION.**—For the purposes of paragraph (1), the 140-year level of flood protection shall be determined in accordance with the hydrology approved by the Sacramento District of the United States Army Corps of Engineers in its February 3, 1998, report entitled “American River, California, Rain Flood Flow Frequency Analysis”.

(3) **LIMITATIONS.**—The modifications to the Folsom Dam and Reservoir under this section may not increase the conservation storage of the Folsom Reservoir.

(4) **REPORT.**—Not later than April 15, 2001, the Secretary shall transmit to Congress a report on the results of the study under this subsection.

(b) **FOLSOM WATER SUPPLY STUDIES.**—

(1) **IN GENERAL.**—Following the completion of the study under subsection (a), the Secretary of the Interior, in consultation with the Secretary of the Army, the State of California, local water resources agencies, local elected officials and interested organizations, shall undertake a study of the opportunities to increase the available water supply storage at Folsom

Dam and Reservoir resulting from any flood control modifications to Folsom Dam recommended under subsection (a).

(2) FOCUS OF STUDY.—The study shall focus on opportunities to increase water supply storage that can be accomplished while at the same time protecting private property and recreational values at Folsom Reservoir.

(c) IMPLEMENTATION.—Upon completion of the study undertaken pursuant to subsection (a), the Secretary shall proceed with the implementation of the maximum amount of surcharge flood control storage which meets the criteria identified in subsection (a) if the Secretary determines that the project—

(1) is technically feasible, environmentally acceptable, and economically justified and in accordance with the economic and environmental principles and guidelines for water and land resources; and

(2) includes measures which, to the maximum extent practicable, mitigate any adverse impacts to private property and recreation at Folsom Reservoir.

(d) ROAD RELOCATIONS.—

(1) PLANNING AND DESIGN.—Upon enactment of this Act, the Secretary shall undertake detailed planning and design of alternative transportation improvements, including a bridge downstream of Folsom Dam, that comply with current transportation design criteria to replace the Folsom Dam Road, which is currently on top of the embankment at Folsom Dam.

(2) CONSTRUCTION.—Subsequent to the Secretary's determination to proceed with implementation of additional storage at Folsom Dam under subsection (a) and prior to construction of improvements to Folsom Dam needed for such implementation, the Secretary, in consultation with the city of Folsom and the Bureau of Reclamation, shall construct the transportation improvements designed under paragraph (1).

(3) COST SHARING.—The cost of planning, design, and construction of transportation improvements under this subsection shall be treated as safety modifications and shall be subject to cost sharing in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n). All costs attributed to water and power users of the Central Valley Project for such planning, design, and construction shall be a Federal responsibility and shall be nonreimbursable.

(4) SPECIAL RULE FOR COST-BENEFIT ANALYSIS.—For purposes of evaluating the costs and benefits of the transportation improvements authorized by this subsection, the benefits of such improvements shall be allocated to ensuring adequate safety at Folsom Dam and shall be deemed to equal the cost of such improvements.

(e) LEVEE STUDY.—

(1) IN GENERAL.—The Secretary shall undertake a study of all levees on the American River and on the Sacramento River downstream and immediately upstream of the confluence of such Rivers to access opportunities to increase potential flood protection through levee modifications.

(2) **DEADLINE FOR COMPLETION.**—The Secretary shall complete the study not later than 2 years after the date of enactment of this Act

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

3. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK OF MICHIGAN, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title III of the bill, add the following new section:

**SEC. 367. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.**

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

Conform the table of contents of the bill accordingly.

4. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILLEARY OF TENNESSEE, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title V of the bill, add the following:

**SEC. 585. ENVIRONMENTAL ASSISTANCE PROGRAM, TENNESSEE.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Tennessee.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

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

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

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a project 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 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 development plan or resource protection plan, including appropriate plans and specifications.

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

(3) **COST SHARING.**—

(A) **IN GENERAL.**—Total project costs under each agreement entered into under this subsection shall be shared at

65 percent Federal and 35 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

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

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

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

(f) REPORT.—Not later than December 31, 2002, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

Conform the table of contents of the bill accordingly.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PICKETT OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III of the bill, add the following:

**SEC. 367. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.**

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide beach nourishment for the project for a period of 50 years beginning on the date of enactment of this Act.

Conform the table of contents of the bill accordingly.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RILEY OF ALABAMA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

**SEC. 585. SENSE OF CONGRESS.**

It is the sense of Congress that States of Alabama, Georgia, and Florida should ensure that applicable water quality standards under the Federal Water Pollution Control Act will be met in negotiating and establishing water allocations under the Appalachiola-Chattahoochee-Flint River Basin Interstate Compact and under the Alabama-Coosa, Tallapoosa River Basin Interstate Compact.

Conform the table of contents of the bill accordingly.

