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WATER RESOURCES DEVELOPMENT ACT OF 1992



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February 24, 2004

SELECTED PROVISIONS OF THE WATER RESOURCES DEVELOPMENT ACT OF 1992

[As Amended Through P.L. 108-201, February 24, 2004]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1992”.

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TITLE II—GENERALLY APPLICABLE PROVISIONS

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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 U.S.C. 2325)

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 binding agreement with the Secretary 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) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).

(f) 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.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

(33 U.S.C. 2326)

SEC. 205. DEFINITION OF REHABILITATION FOR INLAND WATERWAY 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

- (E)(i) 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 U.S.C. 2327)

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.

(33 U.S.C. 426i-1)

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SEC. 212. USE OF PRIVATE SECTOR RESOURCES IN SURVEYING AND MAPPING.

To the maximum extent practicable, the Secretary shall make use of private sector resources in carrying out surveying and map-

ping activities in the Civil Works Program of the Corps of Engineers.

(33 U.S.C. 569e)

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SEC. 216. DREDGED MATERIAL DISPOSAL AREAS.

(a) **STUDY.**—The Secretary shall conduct a study on the need for changes in Federal law and policy 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.

(33 U.S.C. 2211 note)

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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 13,000,000 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 and a project for the elimination or control of combined sewer overflows 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.

(19) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(20) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(21) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(22) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(23) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(24) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(25) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(26) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(27) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(28) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(29) KEY BISCAIYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(30) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(31) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(32) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(33) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(34) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(35) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(36) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(37) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(38) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(39) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(40) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section \$30,000,000. Such sums shall remain available until expended.

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) \$20,000,000 for the project described in subsection (c)(5);

(2) \$2,000,000 for the project described in subsection (c)(6);

(3) \$20,000,000 for the project described in subsection (c)(7);

(4) \$11,000,000 for the project described in subsection (c)(8);

(5) \$25,000,000 for the project described in subsection (c)(2);

(6) \$30,000,000 for the project described in subsection (c)(9);

(7) \$30,000,000 for the project described in subsection (c)(16); and

(8) \$30,000,000 for the project described in subsection (c)(17).

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) ATLANTA, GEORGIA.—The project described in subsection (c)(2), modified to include watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

(2) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—The project described in subsection (c)(9), modified to include 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, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

(3) NASHUA, NEW HAMPSHIRE.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Nashua, New Hampshire.

(4) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—\$35,000,000 for a project to eliminate or control combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.

(5) FINDLAY TOWNSHIP, PENNSYLVANIA.—\$11,000,000 for water and wastewater infrastructure in Findlay Township, Allegheny County, Pennsylvania.

(6) DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.—\$2,000,000 for water and wastewater infrastructure in Franklin Township, York County, Pennsylvania.

(7) HAMPDEN TOWNSHIP, PENNSYLVANIA.—\$3,000,000 for water, sewer, and storm sewer improvements in Hampden Township, Pennsylvania.

(8) TOWAMENCIN TOWNSHIP, PENNSYLVANIA.—\$1,500,000 for sanitary sewer and water and wastewater infrastructure in Towamencin Township, Pennsylvania.

(9) DAUPHIN COUNTY, PENNSYLVANIA.—\$2,000,000 for a project to eliminate or control combined sewer overflows and water system rehabilitation for the city of Harrisburg, Dauphin County, Pennsylvania.

(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—\$20,000,000 for water supply and wastewater infrastructure projects in the counties of Accomac, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—\$30,000,000 for water related infrastructure projects in the counties of Benton, Jasper, Lake, Newton, and Porter, Indiana.

(13) CLINTON COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Clinton County, Pennsylvania.

(14) PATTON TOWNSHIP, PENNSYLVANIA.—\$1,400,000 for water related infrastructure in Patton Township, Pennsylvania.

(15) NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.—\$500,000 for water related infrastructure in North Fayette Township, Allegheny County, Pennsylvania.

(16) SPRINGDALE BOROUGH, PENNSYLVANIA.—\$500,000 for water related infrastructure in Springdale Borough, Pennsylvania.

(17) ROBINSON TOWNSHIP, PENNSYLVANIA.—\$1,200,000 for water related infrastructure in Robinson Township, Pennsylvania.

(18) UPPER ALLEN TOWNSHIP, PENNSYLVANIA.—\$3,400,000 for water related infrastructure in Upper Allen Township, Pennsylvania.

(19) JEFFERSON TOWNSHIP, GREENE COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Jefferson Township, Greene County, Pennsylvania.

(20) LUMBERTON, NORTH CAROLINA.—\$1,700,000 for water and wastewater infrastructure projects in Lumberton, North Carolina.

(21) BATON ROUGE, LOUISIANA.—\$20,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(23) SACRAMENTO AREA, CALIFORNIA.—\$35,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.

(24) CUMBERLAND COUNTY, TENNESSEE.—\$5,000,000 for water supply projects in Cumberland County, Tennessee.

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—\$35,000,000 for wastewater treatment and water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, Orangeberg, and Sumter, South Carolina.

(26) BRIDGEPORT, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Bridgeport, Connecticut.

(27) HARTFORD, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Hartford, Connecticut.

(28) NEW HAVEN, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of New Haven, Connecticut.

(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

(30) DESOTO COUNTY, MISSISSIPPI.—\$20,000,000 for a wastewater treatment project in the county of DeSoto, Mississippi.

(31) KANSAS CITY, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of Kansas City, Missouri.

(32) ST. LOUIS, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.

(33) ELIZABETH, NEW JERSEY.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

(34) NORTH HUDSON, NEW JERSEY.—\$20,000,000 for a project to eliminate or control combined sewer overflows for the North Hudson Sewerage Authority, New Jersey.

(35) INNER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the inner harbor project, New York, New York.

(36) OUTER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the outer harbor project, New York, New York.

(37) LEBANON, NEW HAMPSHIRE.—\$8,000,000 for a project to eliminate or control combined sewer overflows in the city of Lebanon, New Hampshire.

(38) ASTORIA, OREGON.—\$5,000,000 for a project to eliminate or control combined sewer overflows in the city of Astoria, Oregon.

(39) CACHE COUNTY, UTAH.—\$5,000,000 for a wastewater infrastructure project for Cache County, Utah.

(40) LAWTON, OKLAHOMA.—\$5,000,000 for a wastewater infrastructure project for the city of Lawton, Oklahoma.

(41) LANCASTER, CALIFORNIA.—\$1,500,000 for a project to provide water facilities for the Fox Field Industrial Corridor, Lancaster, California.

(42) SAN RAMON VALLEY, CALIFORNIA.—\$15,000,000 for a project for recycled water for San Ramon Valley, California.

(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$35,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.

(45)¹ WASHINGTON, D.C., AND MARYLAND.—\$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.

(46) DUCK RIVER, CULLMAN, ALABAMA.—\$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(47) UNION COUNTY, ARKANSAS.—\$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(48) CAMBRIA, CALIFORNIA.—\$10,300,000 for desalination infrastructure, Cambria, California.

(49) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—\$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(51) SAN DIEGO COUNTY, CALIFORNIA.—\$10,000,000 for water-related infrastructure, San Diego County, California.

(52) SOUTH PERRIS, CALIFORNIA.—\$25,000,000 for water supply desalination infrastructure, South Perris, California.

(53) AURORA, ILLINOIS.—\$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(54) COOK COUNTY, ILLINOIS.—\$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—\$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(56) IBERIA PARISH, LOUISIANA.—\$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(57) KENNER, LOUISIANA.—\$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(58) BENTON HARBOR, MICHIGAN.—\$1,500,000 for water-related infrastructure, City of Benton Harbor, Michigan.

¹ Paragraphs (45) through (70) were added by section 108(d) of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-220), as enacted into law by section 1(a)(4) of Public Law 106-554. There is not a paragraph (44).

(59) GENESEE COUNTY, MICHIGAN.—\$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Genesee County, Michigan.

(60) NEGAUNEE, MICHIGAN.—\$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan.

(61) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—\$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(62) NEWTON, NEW JERSEY.—\$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(63) LIVERPOOL, NEW YORK.—\$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(65) YUKON, OKLAHOMA.—\$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(66) ALLEGHENY COUNTY, PENNSYLVANIA.—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(67) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—\$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(69) TITUSVILLE, PENNSYLVANIA.—\$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

(71)¹ CORONADO, CALIFORNIA.—\$10,000,000 is authorized for wastewater infrastructure, Coronado, California.

CHARLESTON, SOUTH CAROLINA.—\$5,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.²

(71)¹ PLACER AND EL DORADO COUNTIES, CALIFORNIA.—\$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

(72)¹ LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen,

¹So in law. Beginning with the first paragraph designated as (71) with the heading "CORONADO, CALIFORNIA" through the end of subsection (f) is the result of several amendments made by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137). See sections 119, 127, 133, and 153 of such public law (117 Stat. 1837, 1838, 1841, 1844).

Also, the last paragraph does not include a heading and should have a period instead of a semicolon at the end.

²The undesignated paragraph and margin in section 219(f) appears so in law. For the amendment that added this provision, see section 127 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1838).

Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

(71)¹ \$6,430,000 for environmental infrastructure for Indianapolis, Indiana;¹

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SEC. 223. BOARD OF ENGINEERS.

The Board of Engineers for Rivers and Harbors, established by section 3 of the River and Harbor Act of June 13, 1902 (33 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.

(33 U.S.C. 541 note)

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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 U.S.C. 2328)

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TITLE III—MISCELLANEOUS PROVISIONS

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SEC. 330. HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.

(a) REPORT.—Not later than March 1, 1993, and annually thereafter, 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.

(26 U.S.C. 9505 note)

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TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT

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 U.S.C. 2329)

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.

(33 U.S.C. 2268)

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TITLE V—CONTAMINATED SEDIMENT AND OCEAN DUMPING

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SEC. 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.

(33 U.S.C. 1271 note)

SEC. 503. SEDIMENT SURVEY AND MONITORING.

(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 (a)(2) and biennially thereafter.

(33 U.S.C. 1271)

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