

Lesson 6

CIVIL WORKS PROGRAM
DEVELOPMENT AND EXECUTION COURSE
LESSON NUMBER 6

3. CIVIL WORKS FUNCTIONAL PROGRAMS

TOPIC:

- b. Construction Account and Program
 - (1) Appropriations Language
 - (2) Business Lines
 - (3) Project Taxonomy
 - (4) Project Development Life Cycle
 - (5) Budget Policy for Continuing Projects and Programs
 - (6) Budget Policy for New Work
 - (7) Project Partnership and Cost Sharing

TIME ALLOTTED: ¾ hours, including time for questions and answers

HANDOUTS: Slide Presentation
FY 2008 Act Language
FY 2008 Report Language

REFERENCES: FY 2010 Budget Engineer Circular 11-2-193, Annex B

**CONSTRUCTION ACCOUNT AND
PROGRAM**

MARK MUGLER

CECW-IP, 202-761-4103

Construction Account and Program

- Appropriations Language
- Business Lines
- Project Taxonomy
- Project Development Life Cycle
- FY 2009 Budget Policy for Continuing Projects and Programs
- FY 2009 Budget Policy for New Work
- Project Partnership and Cost Sharing

Appropriations Language

- Purpose
- Amount
- Time
- Earmarks in Law
- Conference Report Language

Business Lines

- Navigation – Commercial
- Flood Risk Management
- Ecosystem Restoration – Aquatic
- Hydropower – Replacement
- Incidental Water Supply & Recreation

Project Taxonomy

- Specifically Authorized Projects and Elements
 - Federal Implementation
 - Reimbursable
- Modifications to Constructed Projects under New Authority (details to follow)
- Modifications to Constructed Projects under Existing Authority (details to follow)
- Continuing Authority Programs (details to follow)
- Other Remaining Items (details to follow)

Modifications to Existing Projects under New Authority

- Reconstruction Projects
- Other Modifications Beyond CAP Limits
 - Navigation Mitigation (beyond section 111)
 - Sediment Management (Beneficial Uses of Dredged Material) (beyond section 204)
 - Environmental Modifications (beyond section 1135)

Modifications to Constructed Projects under Existing Authority

- Rehabilitation
- Design or Construction Deficiency Correction
- Dam Safety Assurance
- Endangered Species Act Compliance

Authorized Modifications -- Rehabilitation

- Section 205, WRDA 92
 - \$1M efficiency, \$5M effectiveness, \$8M IWW effectiveness – plus inflation
- Types
 - Replacement – principal components producing business line outputs
 - Seepage Control
 - Static Instability Correction
 - Other Rehabs (to O&M in budget)

Authorized Modifications -- Design / Construction Deficiency Correction

- Structural or Performance Deficiency
- Not deferred O&M or changed H&H
- At Non-Federally Operated, or Federally Operated over \$5M

Authorized Modifications -- Dam Safety Assurance

- Section 1203, WRDA 86 – criteria and cost sharing
- Hydrologic/Seismic/State of the Art – not seepage or static instability
- 15% Cost Shared per Original Cost Sharing

Authorized Modifications -- Endangered Species Act Compliance

- Project Modifications to Comply with Biological Opinions
- Mostly Columbia River and Missouri River
- To O&M in Budget

Continuing Authority Programs

AUTHORITY	PROJECT PURPOSE
Section 14, Flood Control Act of 1946, as amended	Stream bank and shoreline erosion protection of public works and non-profit public services
Section 103, River and Harbor Act of 1962, as amended (amends Public Law 79-727)	Beach erosion and hurricane and storm damage reduction
Section 107, River and Harbor Act of 1960, as amended	Navigation improvements
Section 111, River and Harbor Act of 1968, as amended (to O&M in Budget)	Shore damage prevention or mitigation caused by Federal navigation projects
Section 204, Water Resources Development Act of 1992, as amended (to O&M in Budget)	Regional sediment management
Section 205, Flood Control Act of 1948, as amended	Flood control
Section 206, Water Resources Development Act of 1996, as amended	Aquatic ecosystem restoration
Section 208, Flood Control Act of 1954, as amended (amends Section 2, Flood Control Act of August 28, 1937)	Removal of obstructions, clearing channels for flood control
Section 1135, Water Resources Development Act of 1986, as amended	Project modifications for improvement of the environment

Continuing Authority Program Limits

Authority	Per Project Limit	Annual Program Limit
Sec 14	1,500,000	15,000,000
Sec 103	3,000,000	30,000,000
Sec 107	7,000,000	35,000,000
Sec 111	5,000,000	Not Applicable
Sec 204	Not Applicable	15,000,000
Sec 205	7,000,000	55,000,000
Sec 206	5,000,000	50,000,000
Sec 208	500,000	7,500,000
Sec 1135	5,000,000	40,000,000

Other Remaining Items

- Dam Safety, Seepage Control, and Static Instability Correction “Wedge” – studies, PED, initial construction
- Dredged Material Disposal Facilities Program
 - Cost shared “General Navigation Feature”
 - Really a “Wedge” To Fund Authorized Modifications
 - To O&M in Budget
- National Estuary Habitat Program
- Aquatic Plant Control R&D / Operations
- Shoreline Erosion Control Development / Demonstration
- Abandoned Mine Restoration
- Inland Waterways Users Board
- Worker Compensation
- (Actions for Change)

Project Development Life Cycle

- **Study and PED in Investigations Account until Authorized and Line Item Funded in Construction Acct**
 - Specifically Authorized
 - Reconstruction
 - Navigation Mitigation (beyond CAP section 111)
 - Sediment Management (beyond CAP section 204)
 - Environmental Modifications (beyond CAP section 1135)
- **Study and PED in O&M Account until Line Item Funded in Construction Acct**
 - Deficiency Correction (ICW for Non-Federally Operated)
 - Replacements
 - Other Rehabilitations
 - Endangered Species Act Compliance
- **Plan (DMMP) in O&M Account, Fund Design and Construction from “Wedge” in Construction Account**
 - Dredged Material Disposal
- **National Portfolio Assessment in O&M Acct, then Study and PED for Action Class I and II in “DSS Wedge” in Construction Acct until Line Item Funded**
 - Dam Safety Assurance
 - Seepage Control
 - Static Instability Correction
- **Two-Phased CAP Process (Feasibility, Construction) in Construction Acct**

FY 2009 Budget Policy for Continuing Projects and Programs

- “Continuing” = Under Physical Construction in BY-1 to BY-3 or First Funded BY-1 to BY-3
- Must Be in 3 Main Mission Areas (commercial NAV, FRM, aquatic ER)
- Fund Already-Awarded Continuing Contracts (“Initial Increment”) for BCR \geq 1.5
- Fund Action Class I and II DSS Projects at Capability
- Ensure Continuation of Work on Projects with High Life Savings
- Provide Additional Funds for High-Performing and National Priority Projects
- CAPs Mimic Specifically Authorized, but 2 Phases and No Continuing Contracts
- Reimbursable Projects: Budget Only for Costs First Reimbursable in BY

FY 2009 Budget Policy for New Work

- Types of New Work
- Eligibility Criteria
- Budget Policy

Types of New Work

- New Start (Previously Unfunded) for Specifically Authorized Project
- New Start Separable Element of Previously Funded Project
- Resumption of Physical Construction (already funded, but not qualifying as “Continuing”)

New Work Eligibility Criteria

- Technically Sound
- Support from Prospective Cost Sharing Partner
- Justified (BCR > 1.0 at 7% discount rate or based on Aquatic ER outputs)
- Environmentally Acceptable (NEPA mitigation, historic preservation, etc.)
- Ready to Construct in BY (or initiate real estate acquisition leading to construction in BY+1)

FY 2009 Budget Policy for New Work

- Must be for 3 Main Mission Areas (commercial NAV, FRM, aquatic ER)
- Must Perform as Well as Top 20 Percent of Budgeted Projects (“death spiral rule”)
- Receives Funding Comparable to Top 20 Percent (DSS, national priority, etc.)

Project Partnership and Cost Sharing

- Specifically Authorized Project or Modification, or CAP project
 - Public or Non-Profit Partner
 - Cost Sharing: Section 103, WRDA 86
 - Partnership Requirements: Section 2003, WRDA 2007
 - O&M
 - Lands, Easements, Rights of Way, Relocations
 - Work in Kind (optional)
 - Indemnification / Liquidated Damages

Project Partnership and Cost Sharing (continued)

- Modifications to Constructed Projects under Existing Authority
 - Rehabilitation: like O&M, except IWW is 50/50 from IWTF
 - Design or Construction Deficiency Correction: like new specifically authorized
 - Dam Safety Assurance: section 1203, WRDA 1986
 - Endangered Species Act Compliance: 100 percent Federal in C account; like O&M in O&M account
- Project-Based Remaining Items (DSS, DMDF, Estuary, APC Ops, Mine) – like new projects
- Other Remaining Items – mostly 100 percent Federal

BACKUP MATERIALS

- Act Language
- Report Language
- Budget Engineer Circular, Annex B

MUGLER

110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

CONSOLIDATED APPROPRIATIONS ACT, 2008

COMMITTEE PRINT

of the

**COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

on

H.R. 2764 / Public Law 110-161

[Legislative Text and Explanatory Statement]

BOOK 1 OF 2—DIVISION A-F



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LEGISLATIVE TEXT, DIVISION C

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects; restudy of authorized projects, miscellaneous investigations; and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$167,261,000, to remain available until expended: *Provided*, That of the funds provided under this heading of Public Law 106-554, \$100,000 are rescinded: *Provided further*, That using \$2,952,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Louisiana Coastal Protection and Restoration study at full Federal expense: *Provided further*, That using \$1,968,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Coastal Mississippi Hurricane and Storm Damage Reduction study at full Federal expense: *Provided further*, That funds in the amount of \$461,000 are provided to continue environmental studies for the Pine Mountain Dam, Arkansas, project: *Provided further*, That cost sharing of preconstruction engineering and design shall be as previously applied to this activity.

CONSTRUCTION

(INCLUDING RESCISSIONS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and

plans and specifications, shall not constitute a commitment of the Government to construction); \$2,294,029,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; Markland Locks and Dam, Kentucky and Indiana; Emsworth Locks and Dam, Ohio River, Pennsylvania; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which \$7,380,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$4,796,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which \$4,428,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$42,312,000 shall be exclusively for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$9,840,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$0 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which \$29,520,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$29,520,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$5,292,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: *Provided*, That the Chief of Engineers is directed to use \$12,792,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$1,968,000 of the funds provided herein for the Hawaii Water Management Project: *Provided further*, That the Chief of Engineers is directed to use \$5,166,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$18,204,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the

Secretary of the Army, acting through the Chief of Engineers, is directed to use \$4,920,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Secretary of the Army is directed to use any remaining available funds from funds appropriated in Public Law 103-126 (107 Stat. 1315) for carrying out engineering and design for the relocation of the comfort and life-guard stations on the Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York, project for construction of other features of the project: *Provided further*, That the Secretary of the Army is directed to use any remaining available funds from the funds appropriated in Public Law 107-66 (115 Stat. 488) for increasing the authorized level of protection for the Bois Brule Drainage and Levee District, Missouri, project, to continue design deficiency repairs on the project: *Provided further*, That the Chief of Engineers is directed to use \$2,952,000 of the funds provided herein to initiate planning and design of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further*, That \$1,476,000 of the funds provided herein shall be available to continue detailed design including plans and specifications, execute a PCA and initiate construction of Phases I and II for the Greenbrier River Basin, Marlinton, West Virginia, project: *Provided further*, That the Secretary of the Army shall use up to \$5,904,000 including the prior unobligated balance of \$4,972,000 from the Devils Lake Outlet, North Dakota, project for the North Dakota environmental infrastructure project: *Provided further*, That the Secretary of the Army shall use the prior year unobligated balance of \$1,500,000 from the Waterbury Dam repairs project for the Lake Champlain Watershed project: *Provided further*, That of the funds provided under this heading the following amounts are rescinded: from Public Law 101-101, \$435,000; from Public Law 102-377, \$1,740,000; from Public Law 103-126, \$797,000; and from Public Law 105-245, \$1,716,000.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$387,402,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$9,840,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$9,840,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the "Corps"), including administrative buildings and facilities, and laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$2,243,637,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2007, and September 30, 2008: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$350,000 of the funds appropriated herein to reimburse the City of Glen Cove, New York, for costs associated with the maintenance dredging of Glen Cove Creek incurred prior to enactment of this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$180,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$175,046,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of the Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$4,500,000 is provided.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2008, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
- (4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
- (5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;
- (6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000; *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000; *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments; *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of the Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest: *Provided further*, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds made available in this title may be used to award any continuing contract or make modifications to any existing continuing contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated, except that such amounts may include any

funds that have been made available through reprogramming to that project pursuant to section 101 of this Act.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 106. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 107. Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to construct a new Environmental Laboratory and improvements to the Information Technology Laboratory at the Engineer Research and Development Center in Vicksburg, Mississippi. *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 108. Notwithstanding section 729 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2267a), the Secretary shall credit toward the non-Federal share of the cost of the Rio Grande Basin Watershed Study, New Mexico, Colorado and Texas, the cost of in-kind services contributed by the New Mexico Interstate Stream Commission for the Study up to the full amount of the required non-Federal share, in accordance with the Agreement between the Commission and the Department of the Army dated December 3, 2001, as modified on January 14, 2002.

SEC. 109. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

“(a) The Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by subsection (b) and the col-

laborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act. *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.”

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to convey at no cost, lands to Tate County School District, Tate County, Mississippi, the transfer of any real property interests, not to exceed 50 acres, at Arkabutla Lake deemed available by the Army that is located adjacent to school district property in the vicinity of State Highway 306 west of Coldwater, Mississippi. Such transfer shall be subject to the reservation of any required flowage easements for the operation of Arkabutla Lake and which preclude structures for human habitation. This property shall be used by the Tate County School District for public educational purposes.

SEC. 111. Section 594 of the Water Resources Development Act of 1999 is amended by striking “SEC. 594. OHIO,” and inserting in lieu thereof “SEC. 594. OHIO AND NORTH DAKOTA,” and in (a) strike “Ohio,” and insert in lieu thereof “Ohio and North Dakota,” and in (b) strike “Ohio,” and insert in lieu thereof “Ohio and North Dakota,” and in (h) strike “\$240,000,000,” and insert in lieu thereof “\$240,000,000 for Ohio and \$100,000,000 for North Dakota.”

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to conduct preconstruction engineering and design activities at full Federal expense for the Kahuku Storm Damage Reduction Project, Oahu, Hawaii, which includes interior drainage and related improvements to be constructed on lands that may include Federal land, the cost of the preconstruction, engineering, and design activities shall be included in total project costs to be cost shared at the rate of 65 percent Federal and 35 percent non-Federal, as a part of construction and the Decision Document contents shall be limited to a design analysis and supporting NEPA documentation for drainage improvements.

SEC. 113. Section 227 of Public Law 104-303 is amended in section 5(a) by striking “7” and inserting “12” in lieu thereof.

SEC. 114. All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual appropriations Act. *Provided*, That new budget proposals for fiscal year 2008 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.

SEC. 115. The Secretary of the Army acting through the Chief of Engineers is directed to plan, design, and construct a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, at an estimated Federal cost of

\$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.

SEC. 116. The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended by striking "\$5,000,000" and inserting "\$7,000,000".

SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a) IN GENERAL.—The project for flood damage reduction, environmental restoration and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280-281) is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled Johnson Creek: A Vision of Conservation, dated March 30, 2006, at a total cost of \$80,000,000, with an estimated Federal cost of \$52,000,000 and an estimated non-Federal cost of \$28,000,000 if the Secretary determines that the project is technically sound and environmentally acceptable.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT AND REIMBURSEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project. Subject to the availability of funds, the non-Federal interest shall be reimbursed for costs incurred by the non-Federal interest that exceed the non-Federal share of project costs.

(c) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2264) and section 5143 of the Water Resources Development Act of 2007, (Public Law 110-114) are repealed.

SEC. 118. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102-580, 106 Stat. 4835 et seq.), as amended, is further amended by striking subsection "(71) Coronado, California", in its entirety and inserting the following:

"(71) CORONADO, CALIFORNIA.

"(A) \$10,000,000 is authorized for wastewater infrastructure, Coronado, California.

"(B) The Federal Share may be in the form of grants or reimbursements of project costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

"(C) The Secretary is authorized to credit towards the non-Federal share of project costs the costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project."

SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.—Section 520(b) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 345) is amended by inserting after the second sentence "The local match for the funds appropriated for flood plain delineation on the Navajo reservation in Arizona, New Mexico, and Utah may be provided as in-kind services."

SEC. 121. The Secretary of the Army may, under such terms and conditions as the Secretary deems appropriate, contract with any public or private entity to provide visitor reservation services. Any such contract in effect on or after October 1, 2004, may provide that the contractor shall be permitted to deduct a commission to be fixed by the Secretary from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

SEC. 122. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 and modified by section 4(k) of the Water Resources Development Act of 1988 is further modified to authorize the Secretary to construct the project at a total cost of \$11,863,000, with an estimated first Federal cost of \$8,722,000 and an estimated first non-Federal cost of \$3,141,000.

SEC. 123. The project for St. John's Bayou and New Madrid Floodway in the State of Missouri as authorized by subsection (d) of the matter under the heading "Lower Mississippi River" under section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), and as modified by section 331 of the Water Resources Development Act of 1996 (110 Stat. 3658) as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 for this project is economically justified: *Provided*, That the levee closure and gravity structure at the south end of the New Madrid Floodway portion of the Project are part of the Mississippi River Levee feature of the Mississippi River and Tributaries Project and are not a separable element of that Project.

SEC. 124. Funds provided in title V, chapter 3 of Public Law 110-28 under the heading "Construction" may be used for restoration of shore protection projects in New Jersey damaged by the same meteorological events that resulted in Presidential Disaster Declaration FEMA-1694-DR.

SEC. 125. The project for flood control, Cedar Hammock (Wares Creek), Florida, authorized by section 101(a)(10) of Public Law 104-303 (110 Stat. 3664), is modified to authorize the Secretary to construct the project at a total cost of \$42,600,000.

SEC. 126. Section 156 of Public Law 108-137 is amended by inserting "or reimburse" after "non-Federal share of the cost of the project" in paragraphs (2) and (3).

SEC. 127. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Mississippi River and Tributaries account.

SEC. 128. Section 3020 of the Water Resources Development Act of 2007, Public Law 110-114, is amended by inserting "or after" following the word "before".

SEC. 129. Notwithstanding provisions of 42 U.S.C. 2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army Corps of Engineers shall have the authority to arrange disposal of waste materials from the Maywood, New Jersey, Formerly Utilized Sites Remedial Action Program (FUSRAP) site at off-site facilities permitted to accept such waste materials under subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. 6921 et seq.). FUSRAP waste materials from the Maywood site may be, but shall not be required to be, disposed at sites licensed under the Atomic Energy Act (42 U.S.C. 2011 et seq.).

SEC. 130. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA. Section 101(a)(1)(B) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3662) is modified to read as follows:

"(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any authorized project feature, including credit for work commenced before the date of execution of a cooperation agreement for the affected feature. The amount of the credit shall be determined by the Secretary."

SEC. 131. WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS. The project for navigation, White River Navigation to Batesville, Arkansas, as authorized in Public Law 99-662 is amended to extend the project from mile 255, near Newport, Arkansas, to approximately mile 296, near Batesville, Arkansas; to include a harbor at Batesville, Arkansas; and environmental restoration within the White River Basin including federally owned lands.

SEC. 132. LANDFILLS USED FOR CERTAIN WASTE. (a) IN GENERAL.—The funding prohibition set forth in section 103 of the Energy and Water Development Appropriations Act, 2006 shall not apply to the construction or expansion of any landfill in the Muskingum River watershed if—

- (1) the landfill is used solely for the disposal of—
 - (A) wastes generated from the combustion or gasification of coal,
 - (B) wastes consisting of byproducts from pollution control technology installed to comply with the Clean Air Act, or
 - (C) both of such types of wastes.
- (2) the landfill is owned by the waste generator or any affiliated person, and
- (3) the facility at which the wastes are generated is located in the same watershed as the landfill.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "affiliated person" means any person who, directly or indirectly, owns or controls the waste generator, is owned or controlled by the waste generator, or is under common ownership or control with the waste generator.

(2) The term "Muskingum River watershed" shall mean the area within the watershed of the Muskingum River, as delineated by the Secretary of the Army, acting through the Chief of Engineers.

SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA. Not later than 180 days after the date of enactment of this Act, the Chief of the Army Corps of Engineers shall convey to Story County, Iowa, without consideration, all rights, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 197 acres originally proposed for the Skunk River Reservoir, located between Ames, Iowa, and Story City, Iowa.

SEC. 134. None of the funds provided herein may be used to implement any new water control manuals for the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa river systems: *Provided*, That in updating the water control manuals the Secretary of the Army, acting through the Chief of Engineers is directed to provide the following information by September 30, 2008:

- (1) an estimate of the amount of withdrawals from each respective river basin for entities withdrawing one million gallons per day or more over the preceding 60 months;
- (2) a flow data set for the respective river basin updated through the most recently completed calendar year; and
- (3) an estimated projection of total water usage in the respective basins over the next 25 years.

SEC. 135. Title II, chapter 3 of Public Law 109-234 under the heading "Construction" is modified by striking "construction: *Provided*," and inserting in lieu thereof "*Provided*, That the Secretary of the Army, in implementing projects and measures in the New Orleans metropolitan area required to achieve certification for participation in the National Flood Insurance Program as directed in Public Law 109-234 shall include all authorized features of the Southeast Louisiana Flood Control project and related internal pumping requirements as integral elements of the comprehensive protection system for the area and shall complete all authorized work for the Southeast Louisiana project concurrently and integrally with other area projects: *Provided further*,"

SEC. 136. Utilizing funds appropriated under Alaska Coastal Erosion or other available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to prepare a preliminary action plan for any community that requests assistance pursuant to section 117, as contained in title I, division C of Public Law 108-447: *Provided*, That the preliminary action plan pursuant to this authority shall be presented to the Assistant Secretary of the Army (Civil Works) and the Alaska Congressional Delegation not later than 90 days after the initial request from the community: *Provided further*, That the preliminary action plan will recommend the most appropriate course of action (relocation or erosion stabilization), including a preliminary cost estimate and, at a

minimum, the first year funding requirements: *Provided further*, That if the Alaska District is unable to comply with this reporting requirement, the District shall provide written notification to the Assistant Secretary of the Army (Civil Works) and the Alaska Congressional Delegation within 30 days of the community assistance request explaining why they are unable to comply.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$41,380,000, to remain available until expended, of which \$976,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,620,000, to remain available until expended.

For fiscal year 2008, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$949,882,000, to remain available until expended, of which \$60,258,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$26,787,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed:

Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a non-reimbursable basis: *Provided further*, That \$2,952,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$59,122,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$40,098,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$58,811,000, to be derived from the Rec-

MUGLER

110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

CONSOLIDATED APPROPRIATIONS ACT, 2008

COMMITTEE PRINT

of the

**COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

on

H.R. 2764 / Public Law 110-161

[Legislative Text and Explanatory Statement]

BOOK 1 OF 2—DIVISION A-F



JANUARY 2008

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2008

39-564

CORPS OF ENGINEERS - INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	INVESTIGATIONS	BUDGET REQUEST	PLANNING	RECON	AMENDED BILL	FEAS	PER
NATIONAL PROGRAMS							
Automated Information Systems Support TRL-CAD.....	350				344		
Chief's 72 Actions.....	3,100						
CONSTITUTIONAL FIELD DATA COLLECTION							
Coastal Data Information Program.....	1,400				4,428		
Southern California Beach Processes Study, CA.....					(884)		
Pacific Island Land Use Typology Experiment, HI.....					(738)		
Surge and Wave Inland Modeling Studies, HI.....					(738)		
ENVIRONMENTAL DATA STUDIES							
FEMA/FAP ROP Coordination.....	75				74		
Flood Damage Data.....	1,500				1,478		
Flood Plain Management Services.....	220				216		
City of Albany, Georgia.....	5,925				6,958		
City of Albany, Georgia.....					(172)		
City of Albany, Georgia.....					(384)		
Hurricane Evacuation Studies, Hawaii.....					(384)		
W11 County, Illinois.....					(492)		
Iowa Levee Certification, Iowa.....					(246)		
Iowa Multi-State Dam Safety Analyses, Iowa.....					(34)		
Maquoketa River Flood Warning, Iowa.....					(88)		
Mapallo, Iowa.....					(246)		
City of Gretna, GIS, Louisiana.....					(454)		
East Baton Rouge Parish, Louisiana.....					(884)		
Livingston Parish, GIS, Louisiana.....					(884)		
Livingston Parish Watershed, Flood Plain Mapping, Ne.....					(782)		
Wrightsville, Mason Run, Ohio.....					(88)		
Halfway Sediment Transport Assessment, Oregon.....					(246)		
Bucks County, Pennsylvania.....					(88)		
Rhode Island Ecosystem Restoration Study, Rhode Is.....							
FLOOD PLAIN MANAGEMENT STUDY							
Hydrologic Studies.....	1,000				984		
International Water Studies.....	200				246		
National Inventory of Flood/Storm Damage Reduction Pro.....	200				197		
National Shoreline Study.....	10,000				618		
OTHER COORDINATION PROGRAMS							
Center for Computer Assisted Dispute Resolution.....	3,980				4,433		
Lake Tahoe Coordination.....					(482)		
Planning Assistance to States.....					(880)		
La Mirada, California.....	4,580				5,388		
Southington Water Supply Study, Connecticut.....					(146)		
Delaware Estuary Salinity Monitoring Study, Delaware.....					(88)		
Honolulu, Hawaii.....					(88)		
McHenry County, Illinois.....					(248)		
Northwest River Enhancement Project, Indiana.....					(23)		
City of Fort Tilden, Iowa.....					(48)		
Kansas River Basin Technical Assistance, Kansas.....					(492)		
Port of Rochester Environmental Remediation Planni.....					(157)		
Lake Rogers, Creedmoor, North Carolina.....					(88)		
Bartlesville Water Supply, Bartlesville, Oklahoma.....					(22)		
Delaware Comprehensive Water Plan, Oklahoma.....					(246)		
Lehigh Release at FE Water Dam, Pennsylvania.....					(172)		
Memphis, Tennessee.....					(197)		
PLANNING SUPPORT PROGRAM							
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE).....	2,800				2,460		
PERDITE SENSING / GEOGRAPHIC INFORMATION SYSTEM SUPPORT.....	225				231		
REPROGRAMMING PAYBACKS.....	160				148		
RESEARCH AND DEVELOPMENT.....	17,300				4,828		
Submerged Aquatic Vegetation, Maryland.....					29,520		
Submerged Urban Flood Damage, New Mexico.....					(884)		
Urban Flood Water Initiative, Rhode Island.....					(1,722)		
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS							
STEAM GAUGING (U.S. GEOLOGICAL SURVEY).....	50				49		
TRANSPORTATION SYSTEMS.....	600				580		
TRIBAL PARTNERSHIP PROGRAM.....	350				344		
	1,000				984		
SUBTOTAL, NATIONAL PROGRAMS.....	64,700				67,107		
TOTAL.....	81,253		8,747	3,765	130,316		31,177

Louisiana Coastal Area Ecosystem Restoration, Louisiana.—The Appropriations Committees remain supportive of this effort; however, due to large unobligated balances, \$2,952,000 is provided, rather than the budget request of \$13,000,000. The Science and Technology line item under this study is not funded and the Corps is directed not to include this line item in the fiscal year 2009 budget. This line item appears to be an attempt to fund other Federal agencies to undertake science activities that are not being funded within those agencies. If the Administration believes this is worthwhile science, then they should budget for this work under the appropriate agency. Any funds from the fiscal year 2007 allocation that remain unexpended in the Science and Technology line should be utilized on advancing the study, not on science activities.

Blackstone River Watershed Restoration, Massachusetts and Rhode Island.—Funding in the amount of \$98,000 is included for the ongoing feasibility study and \$99,000 is included to study recent flooding in Rhode Island.

Great Lakes Navigational System, Michigan, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.—The funds provided are to be used to complete the supplement to the reconnaissance report of the Great Lakes St. Lawrence Seaway Navigation Study, which, based on a previous agreement between the Secretary, the Ministry of Transportation Canada, and the Secretary of the U.S. Department of Transportation, is to be limited in scope to evaluating the economic, engineering and environmental impacts of maintaining the Great Lakes St. Lawrence Seaway at current size, draft and length of locks. The Secretary is directed to complete the supplemental report by September 2008, after which Congress, interested State and Federal agencies, and the public shall review the report for one year to determine whether additional study is warranted.

Chief's Twelve Actions.—Funding is not included for this item. The Appropriations Committees believe that the activities proposed in the budget request for this line item should be incorporated into the various funded planning activities that the Corps has underway.

National Shoreline Study.—Additional funds have been provided above the budget request for the National Planning Center of Expertise for Coastal Storm Damage Reduction to develop a process for managing shore protection projects as part of a systems approach to coastal protection for the purpose of achieving improved project performance, increased cost effectiveness, and enhanced benefits.

Reprogramming Payback.—Funding under this heading includes \$4,526,000 to meet prior reprogramming obligations identified by the Corps of Engineers. This funding provides the full amount for all paybacks in this account; any additional requirements are the sole responsibility of the Corps.

CONSTRUCTION

(INCLUDING RESCISSIONS OF FUNDS)

The amended bill provides \$2,294,029,000 for Construction, instead of \$2,004,186,000 as proposed by the House and

\$2,059,474,000 as proposed by the Senate and includes the \$4,688,000 of rescissions as proposed by the House.

The allocation for the projects and activities within the Construction account is shown in the following table:

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
ALABAMA		
MOBILE HARBOR TURNING BASIN, AL.....	100	100
PINHOOK CREEK, HUNTSVILLE, AL.....	677	677
TUSCALOOSA, AL.....	749	749
	4,920	4,920
ALASKA		
AKUTAN HARBOR, AK.....	400	400
ALASKA COASTAL EROSION, AK.....	488	488
CHIGNIK HARBOR, AK.....	4,920	4,920
WOME HARBOR IMPROVEMENTS, AK.....	984	984
ST PAUL HARBOR, AK.....	1,476	1,476
SITKA HARBOR BREANWATER UPGRADE, AK.....	2,808	2,808
UNALASKA, AK.....	350	350
	1000	1000
	6,553	6,553
	1200	1200
ARIZONA		
NOGALES WASH, AZ.....	4,987	4,987
RIO DE FLAG, FLAGSTAFF, AZ.....	1,680	1,680
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ.....	1,771	1,771
TRES RIOS, AZ.....	10,824	10,824
TUCSON DRAINAGE AREA, AZ.....	7,868	7,868
	1740	1740
ARKANSAS		
OZARK - JETA TAYLOR POWERHOUSE, AR (MAJOR REHAB).....	1800	1800
RED RIVER BELM DENISON DAM, LA, AR & TX.....	17,300	22,632
RED RIVER EMERGENCY BANK PROTECTION, AR & LA.....	2,060	2,060
WHITE RIVER MINIMUM FLOW, AR.....	3,277	3,277
	2100	935
	935	2120
CALIFORNIA		
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA.....	2300	7,872
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C.....	2400	5,904
AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE), CA.....	2500	17,220
AMERICAN RIVER WATERSHED, CA.....	2600	2,600
CALIF LEEVE STABILITY PROGRAM, CA.....	2700	4,920
CITY OF SANTA CLARITA (PERCHURGATE), CA.....	2800	488
CORTE MADERA CREEK, CA.....	2900	234
FERRIS RECHARGE DEMONSTRATION PROGRAM, CA.....	3000	515
FRUITLAND RIVER, CA.....	3100	1,793
HAMILTON WATERSHED, CA.....	3200	8,512
HARDY/SOUTH BAY RECYCLING RESTORATION, CA.....	3300	2,808
HARDY/SOUTH BAY RECYCLING PROJECT, CA.....	3400	2,808
LONG VALLEY CREEK CONTRA COSTA COUNTY, CA.....	3500	562
MID VALLEY AREA LEVEE RECONSTRUCTION.....	3600	488
MURLET CREEK, CA.....	3700	1,813
NARROW RIVER, CA.....	3800	10,824
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE, CA.....	3900	842
OAKLAND HARBOR (SP-FRONT PROJECT), CA.....	4000	41,328
PELUMBA RIVER FLOOD CONTROL, CA.....	4100	1,686
PEPPER COUNTY, CA.....	4200	938
PORT OF LONG BEACH, CA.....	4300	3,545
PORT OF LOS ANGELES CHANNEL DEEPENING, CA.....	4400	1,609
SACRAMENTO DEEPWATER SHIP CHANNEL, CA.....	4500	816
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA.....	4600	21,532
SACRAMENTO RIVER, GLENCOLUS IRRIGATION DISTRICT, CA.....	4700	1,030
SAW FLICKER RIVER, CA.....	4800	483
SAN JUAN VALLEY, CA.....	4900	1,375
SANTA ANA RIVER RECYCLED WATER, CA.....	5000	2,808
SANTA MARIA RIVER, CA.....	5100	20,664
SOUTH SACRAMENTO COUNTY STREAMS, CA.....	5200	280
SUCCESS DAM TULE RIVER, CA (DAM SAFETY).....	5300	10,298
SUNSET - MENDOTA BEACH, CA.....	5400	11,808
SUNSET - MENDOTA BEACH, CA.....	5500	8,238
TAMHOE BASIN RESTORATION (108).....	5600	4,428
UPPER GUADALUPE RIVER, CA.....	5700	438
UPPER NEHPORT BAY, CA.....	5800	2,222
WEST SACRAMENTO FLOOD CONTROL, CA.....	5900	4,373
YUBA RIVER BASIN, CA.....	6000	1,044
	6300	6300
CONNECTICUT		
BRIDGEPORT ENVIRONMENTAL INFRASTRUCTURE, CT.....	187	6400
	6500	6500
DELAWARE		
DELAWARE BAY COAST, BETHWAY TO SOUTH BETHWAY, DE.....	141	6800
DELAWARE BAY COASTLINE, BROOKHILL BEACH, DE.....	234	6700
DELAWARE COAST FROM CAPE HELLOWEN TO FENWICK ISLAND, DE.....	93	6800
DELAWARE COAST FROM CAPE HELLOWEN TO FENWICK ISLAND, RE.....	600	2,657
DELAWARE COAST PROTECTION, DE.....	7000	365
	7100	7100

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
FLORIDA		
BREVARD COUNTY, FL.....	---	7200
BROWARD COUNTY (SEGMENT I REIMBURSEMENT), FL.....	---	187 7300
BROWARD COUNTY (SEGMENT III REIMBURSEMENT), FL.....	---	738 7400
CHAMBERLAIN HARBOR (SAND BYPASS), FL.....	---	492 7420
CEDAR HARBOR, HAWES CREEK, FL.....	---	148 7500
FLORIDA KEYS WATER QUALITY IMPROVEMENT, FL.....	5,000	4,681 7600
HERBERT HOOVER DUNE, FL (SEEPAGE CONTROL).....	55,778	2,017 8000
JACKSONVILLE HARBOR, FL.....	---	54,884 8100
LAKE MORTH SAND TRANSFERS PLANT, FL.....	---	2,808 8200
LEE COUNTY (ESTERO AND GASPARILLA), FL.....	---	1,913 8400
MADISON COUNTY, FL.....	---	938 8500
PINELLAS COUNTY, FL.....	---	5,439 8600
PORT EVERGLADES HARBOR, FL.....	---	657 8800
SOUTH FLORIDA EVERGLADES ECOSYSTEM RESTORATION, FL.....	182,400	703 8900
Central and Southern Florida Ecosystem Restoration	---	130,669 9000
Kissimmee River, FL.....	---	(81,704) 9010
Modified Water Deliveries, FL.....	---	(8,156) 9020
St. Johns County, FL.....	---	(30,868) 9030
ST. LUCIE ISLAND, FL.....	---	(9,840) 9040
TAMPA HARBOR, FL.....	---	1,873 9200
---	---	133 9300
---	---	9400
GEORGIA		
ATLANTA, GA ET.....	---	1,478 9700
BRUNSWICK HARBOR, GA.....	6,400	9,982 9800
RICHARD B RUSSELL DAM AND LAKE, GA & SC.....	6,900	6,255 9890
TYBEE ISLAND, GA.....	---	6,319 10000
HAWAII		
HAWAII WATER MANAGEMENT, HI.....	---	10100
IAO STREAMS, HI.....	---	1,968 10200
---	---	295 10300
---	---	10500
IDAHO		
RURAL IDAHO, ID.....	---	4,064 10600
---	---	10700
ILLINOIS		
ALTON TO GALE LEVEE DISTRICTS, IL & MO.....	---	83 10800
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	4,800	4,080 10900
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.....	750	738 11000
CHICAGO SANITARY AND SHIP CANAL, SECOND BARRIER, IL.....	6,800	7,872 11100
CHICAGO SHORELINE, IL.....	8,000	8,868 11200
COOK COUNTY, IL.....	---	234 11300
DES PLAINES RIVER, IL.....	6,620	6,001 11400
EAST ST LOUIS, IL.....	---	268 11420
ILLINOIS WATERWAY, LOCKPORT LOCK AND DAM, IL (REPLACER)	2,600	2,268 11500
LOCK AND DAM 24, IL & MO (REHABILITATION).....	20,445	20,118 11700
LOCK AND DAM 27, MISSISSIPPI RIVER, IL (REHABILITATION)	---	308 11800
MADISON AND ST CLAIR COUNTIES, IL.....	---	6,637 11900
MCCOOK AND THORNTON RESERVOIRS, IL.....	---	468 12000
MELVIN PRICE LOCK AND DAM, IL.....	35,500	29,480 12100
MUTHOOK DRAINAGE AND LEVEE DISTRICT, IL.....	---	468 12200
UNSTERED LOCKS AND DAM, OHIO RIVER, IL & KY.....	104,000	280 12300
UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MO, & WOOD RIVER LEVEE, IL.....	23,464	102,338 12400
---	---	16,851 12500
---	---	321 12600
---	---	12700
INDIANA		
CALUMET REGION, IN.....	---	3,638 12800
CEDAR LAKE, IN.....	---	4,330 12820
INDIANA HARBOR (CONTINUED DISPOSAL FACILITY), IN.....	---	17,778 13000
INDIANAPOLIS, WHITE RIVER (MORTN), IN.....	---	984 13100
JOHN T RYERS LOCKS AND DAMS, IN & KY.....	---	3,182 13120
LAKE RICHMOND WATERFRONT, IN.....	---	924 13200
LITTLE CALUMET RIVER, IN.....	13,000	394 13220
MT ZION DAM, PULASKI COUNTY, IN.....	---	14,760 13300
OHIO RIVER GREENWAY ACCESS, IN.....	---	234 13320
OHIO RIVER FLOOD PROTECTION, IN.....	---	983 13400
---	---	1,498 13420
---	---	13500
IOWA		
DAVEPORT, IA.....	---	653 13600
DES MOINES RECREATIONAL RIVER, IA.....	---	4,124 13700

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
KANSAS		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (REHAB).....	---	5,141 13800
LOCK AND DAM 19, MISSISSIPPI RIVER, IA (REHAB).....	---	1,447 13900
MISSOURI R FISH AND MUDLIFE RECOVERY, IA,LS,MO,KT,NE, PERRY CREEK, IA.....	---	50,184 14000
---	---	187 14020
---	---	14100
KENTUCKY		
TURKEY CREEK BASIN, KS & MO.....	9,000	8,858 14200
TUTTLE CREEK LAKE, KS (DAM SAFETY).....	28,500	28,044 14300
---	---	14400
LOUISIANA		
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY.....	52,000	61,185 14600
MARKLAND LOCKS AND DAM, KY & IL (REHABILITATION).....	---	6,720 14700
MALPINE LOCKS AND DAM, OHIO RIVER, KY & IN.....	45,000	44,280 14800
SOUTHERN AND EASTERN KENTUCKY, KY.....	---	1,668 14800
WOLF CREEK, KY (SEEPAGE CONTROL).....	54,100	53,234 15000
MARYLAND		
COMITE RIVER DIVERSION CANAL, LA.....	---	7,872 16200
EAST BAYTON BOUGE PARISH, LA.....	---	936 16300
J BENNETT JOHNSTON WATERWAY, LA.....	1,500	6,888 16500
LABOSE TO GOLDEN MEADOW, LA.....	---	964 16520
OUACHITA RIVER LEVEES, LA.....	---	1,363 16600
---	---	15800
MASSACHUSETTS		
ANACOSTIA RIVER AND TRIBUTARIES, MD AND DC, PHASE I.....	---	303 15900
ASSATEQUE ISLAND, MD.....	---	1,722 16000
ATLANTIC COAST OF MARYLAND, MD.....	---	167 16100
BALTIHORE METROPOLITAN WATER RESOURCES, GYMNAS FALLS, CHARLESTON, MD.....	---	439 16200
CHESAPEAKE BAY ENVIRONMENTAL RESTORATION, MD.....	---	187 16220
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA.....	---	1,889 16300
CURBERLAND, MD.....	---	1,868 16400
POPLAR ISLAND, MD.....	---	280 16500
---	---	13,387 16600
MISSISSIPPI		
HOOSIC RIVER, MA.....	---	492 16800
HUDDY RIVER, MA.....	10,000	9,362 16900
---	---	17000
MINNESOTA		
GENESSEE COUNTY, MI.....	---	562 17100
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.....	---	936 17200
HEGEMEE, MI.....	---	360 17300
SAULT STE MARIE, MI.....	---	1,868 17400
---	---	17800
MISSOURI		
BRECKENRIDGE, MO.....	---	3,936 17600
LOCK AND DAM 3, MISSISSIPPI RIVER, MO (MAJOR REHAB).....	---	988 17700
MARSHALL, MO.....	---	78 17800
MILLE LACS, MO.....	---	936 17800
NORTHEASTERN MINNESOTA.....	---	1,873 18000
STILLWATER, MO.....	---	1,265 18100
---	---	16200
MISSISSIPPI		
DESOUD COUNTY, MS.....	---	8,640 18300
JACKSON COUNTY WATER SUPPLY PROJECT, MS.....	---	8,431 18400
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS.....	---	18,088 18600
---	---	18600
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO.....	---	1,805 18700
BLUE RIVER CHANNEL, KANSAS CITY, MO.....	3,500	3,277 18800
CAPE BRULE, MO.....	---	3,218 18900
CAPE GIRARDEAU (FLOODMALL), MO.....	---	2,682 19000
CHESTERFIELD, MO.....	---	1,088 19100
CLEARWATER LAKE, MO (SEEPAGE CONTROL).....	25,000	24,500 19200
MISSISSIPPI RIVER AT THE OHIO AND MO RIVERS (REG WORKS) MO	2,100	1,968 19300
MISSOURI & MIDOLE MISSISSIPPI RIVERS (REG WORKS), MO.....	---	468 19400
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO.....	---	93 19500
ST LOUIS FLOOD PROTECTION, MO.....	---	1,868 19600
STE. GENEVIEVE, MO.....	---	410 19700
---	---	18800
MONTANA		
FT. PECK CABIN CONVEYANCE, MT.....	---	297 19800

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Brookfield, OH.....	---	(836)26120
Brown Street, Campus West, OH.....	---	(1,771)26125
City of Stone, OH.....	---	(246)26130
Culpepper Area Water System, OH.....	---	(1,574)26135
Cuyahoga County, OH.....	---	(344)26140
DeFrance County, Auglaize River, OH.....	---	(600)26145
Euclid Creek, OH.....	---	(3,542)26150
Louisville, OH.....	---	(767)26155
Marysville, OH.....	---	(767)26160
Mayfield Heights, OH.....	---	(482)26165
Orville, OH.....	---	(640)26170
Palmerville, OH.....	---	(767)26175
Perry Township, OH.....	---	(541)26180
Put-In-Bay, OH.....	---	(935)26182
Struthers, OH.....	---	(1,278)26185
Timberlake, OH.....	---	(394)26189
Williamsburg Water Treatment Plant, OH.....	---	(394)26195
Windham, OH.....	---	(994)26197
OHIO RIVER WATERFRONT, CINCINNATI, OH.....	---	936 26198
OKLAHOMA	---	26200
CANTON LAKE, OK (DAM SAFETY).....	17,300	17,023 26300
TAR CREEK CLEANUP, OK.....	---	3,444 26400
OREGON	---	26800
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR & WA.....	15,000	14,780 26700
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA.....	---	1,666 26800
COUGAR LAKE (MILLAMETTE RIVER TEMPERATURE CONTROL), OR.....	---	6,919 26820
ELK CREEK LAKE, OR.....	11,030	9,988 26900
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA.....	1,000	1,688 27000
PENNSYLVANIA	---	27200
ENSBORTH LAD, OHIO RIVER, PA (STATIC INSTABILITY CORRE.....	43,000	42,312 27300
LACKAWANNA RIVER AT SCRANTON, PA.....	---	3,218 27400
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA.....	70,300	69,176 27500
NORTHEAST PENNSYLVANIA, PA.....	---	1,476 27600
Nicholson Borough, PA.....	---	(738)27620
Towanda, PA.....	---	(738)27630
PRESDOE ISLE, PA.....	---	672 27700
SOUTH CENTRAL PENNSYLVANIA, PA.....	---	8,286 27720
SOUTHEASTERN PENNSYLVANIA, PA.....	---	777 27800
Borough of Hatfield, PA.....	---	(236)27820
Tecum Creek, Philadelphia, PA.....	---	(492)27830
Mitcain Township, PA.....	---	(48)27940
THREE RIVERS MET WEATHER DEMONSTRATION PROJECT, PA.....	---	468 28000
WORKING VALLEY, PA (LEVEE RAISING).....	---	1,096 28100
PUERTO RICO	---	28200
PORTUGUES AND BUCANA RIVERS, PR.....	35,000	31,727 28300
RIO PUERTO NUEVO, PR.....	11,500	10,424 28400
SOUTH CAROLINA	---	28500
FOLLY BEACH, SC.....	---	34 28600
LAKES MARION AND MOULTREE, SC.....	---	6,607 28700
SOUTH DAKOTA	---	28900
BIG STOUX RIVER, STOUX FALLS, SD.....	---	1,873 28900
CHEYENNE RIVER STOUX TRIBE, LOWER BRULE STOUX, SD.....	---	3,936 29000
MISSOURI RIVER RESTORATION, SD.....	---	93 29200
TENNESSEE	---	29300
BLACK FOX, MURFEE & OAKLAND SPRINGS, TN.....	---	1,873 29320
CENTER HILL DAM, TN (SEEPAGE CONTROL).....	25,000	31,468 29400
CHICKAMAUGA LOCK, TENNESSEE RIVER, TN.....	35,200	34,937 29500
CUMBERLAND COUNTY WATER SUPPLY, TN.....	---	93 29600
TEXAS	---	29700
BRAYS BAYOU, HOUSTON, TX.....	14,841	13,453 29800
CENTRAL CITY, FORT NORTH, TX.....	---	7,872 29900
CLEAR CREEK, TX.....	---	936 30000
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX.....	---	12,792 30100
EL PASO, TX.....	---	141 30200
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX.....	16,320	15,730 30300

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
RURAL MONTANA.....	---	4,681 20000
NEBRASKA	---	20100
ARTELOPE CREEK, LINCOLN, NE.....	8,000	6,426 20200
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.....	---	454 20300
SAND CREEK, NE.....	---	1,681 20400
WESTERN SANDY AND CLEAR CREEK, NE.....	---	836 20500
NEVADA	---	20600
RURAL NEVADA.....	---	18,696 20700
TROPICANA AND FLARING WASHES, NV.....	---	12,782 20800
NEW JERSEY	---	20900
BARGEAT INLET TO LITTLE EGG HARBOR, NJ (NJ SHORE PROT.....	---	4,820 21000
BRIGHTLINE INLET TO GREAT EGG HARBOR INLET (ABSSECON) ..	---	877 21100
BRIGHTLINE INLET TO GREAT EGG HARBOR INLET, BRIGHTLINE ..	---	75 21200
CAPE MAY INLET TO LOWER TOWNSHIP, NJ.....	---	246 21300
DELAWARE RIVER MAIN CHANNEL DEEPENING, NJ, PA, DE.....	---	2,340 21400
GREAT EGG HARBOR INLET TO PECK BEACH (OCEAN CITY), NJ.....	---	2,608 21500
HACKENSACK HEADLANDS, NJ.....	---	372 21600
JOSEPH G. KINISK Historic Waterfront Park, NJ.....	---	2,852 21800
LOWER CAPE MAY HEADON, CAPE MAY POINT, NJ.....	---	4,785 21900
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS.....	---	1,346 22000
RANAPPO AND MANAR RIVERS, MANAR, NJ AND SUFFERN, NY.....	---	343 22100
BARBTAN BAY AND SANDY HOOK BAY, NJ.....	---	108 22200
BARBTAN BAY AND SANDY HOOK BAY, PORT HONNOUTH, NJ.....	---	877 22300
BARBTAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ.....	10,000	10,901 22400
SANDY HOOK TO BARNEAT INLET, NJ.....	---	1,316 22500
TOWNSHENS INLET TO CAPE MAY INLET, NJ.....	---	4,178 22600
NEW MEXICO	---	22700
ACEQUIAS IRRIGATION SYSTEM, NM.....	---	2,246 22800
ALAMOGORDO, NM.....	4,200	5,612 22900
CENTRAL NEW MEXICO, NM.....	---	7,380 23100
CHERTIT LAKE (DAM SAFETY), NM.....	---	187 23200
GENEZ CANYON (DAM SAFETY), NM.....	---	148 23300
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE.....	---	295 23400
MIDDLE RIO GRANDE RESTORATION, NM.....	---	984 23420
NEW MEXICO, EI, NM.....	---	10,824 23500
Carayon Road, Santa Fe, NM.....	---	(984)23520
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE.....	800	748 23600
SOUTHWEST VALLEY ALBUQUERQUE, NM.....	---	984 23620
NEW YORK	---	23700
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO HORTON POINT.....	8,500	8,735 23600
ATLANTIC COAST OF NYC, EAST ROCKAWAY INLET, NY.....	---	234 23900
ELBE ISLAND INLET TO MONTAUK POINT, NY.....	4,150	6,648 24000
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	91,000	85,182 24100
NEW YORK CITY WATERSHED.....	---	468 24200
ONONDAGA LAKE, NY.....	---	984 24300
ORCHARD BEACH, BROOK, NY.....	---	2,107 24400
NORTH CAROLINA	---	24600
BRUNSWICK COUNTY BEACHES, NC.....	---	378 24700
RICHMOND COUNTY, NC.....	---	296 24820
WEST ONSLOW BEACH, NC.....	---	48 24830
WILMINGTON HARBOR, NC.....	---	3,745 24900
WRIGHTSVILLE BEACH, NC.....	---	280 25000
NORTH DAKOTA	---	25100
GARRISON DAM AND POWER PLANT, ND (REPLACEMENT).....	6,200	5,805 25200
HOMIE DAM, ND (DAM SAFETY).....	---	231 25300
LAKE SAKAMAEA PROJECT, ND.....	---	2,952 25400
MISSOURI RIVER RESTORATION, ND.....	---	205 25600
NORTH DAKOTA ENVIRONMENTAL INFRASTRUCTURE, ND.....	---	5,904 25800
OHIO	---	25700
HOLES CREEK, WEST CARROLLTON, OH.....	---	1,476 25800
LOWER CIPARO DAM, OH.....	---	512 25900
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH.....	11,847	11,119 26000
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH.....	---	18,168 26100
Airpark, OH.....	---	(1,574)26105
Arbaugh-Hope, OH.....	---	(187)26110
Bloomingsburg, OH.....	---	(482)26116

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
JOHNSON CREEK, ARLINGTON, TX.....	---	1,938 30400
RED RIVER BASIN CHANNEL CONTROL, TX & OK.....	---	936 30600
SAN ANTONIO CHANNEL IMPROVEMENT, TX.....	---	9,840 30600
SIMS BAYOU, HOUSTON, TX.....	24,154	20,075 30700
TEXAS CITY CHANNEL, TX.....	---	2,460 30800
WHITNEY DAM AND POWERHOUSE, TX (REHAB).....	---	4,428 30800
UTAH	---	31000
RURAL UTAH, UT (ET).....	---	9,840 31100
VERMONT	---	31200
BURLINGTON HARBOR, VT.....	---	482 31300
LAKE CHAMPLAIN WATERSED INITIATE, VT.....	---	2,460 31400
VIRGINIA	---	31500
JOHN H. KERR DAM AND RESERVOIR, VA & NC (REPLACEMENT).....	13,000	12,792 31600
LYNCHBURG CSD, VA.....	---	260 31700
NORFOLK HARBOR AND CHANNELS, VA (DEEPENING).....	---	745 31800
RICHMOND CSD, VA.....	---	280 31900
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA.....	10,150	9,502 32000
SANDBRIDGE BEACH, VA.....	---	93 32100
VIRGINIA BEACH, VA (HURRICANE PROTECTION).....	---	2,808 32200
WASHINGTON	---	32300
CHIEF JOSEPH DAM GAS ABATEMENT, WA.....	---	2,952 32400
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID.....	---	82,464 32500
DUMMISH/GREEN ECOSYSTEM RESTORATION, WA.....	---	1,828 32600
HOMER HANSON DAM ECOSYSTEM RESTORATION, WA.....	---	14,504 32700
LOWER SHAWNEE RIVER FISH & WILDLIFE COMPENSATION, WA, OR.....	---	375 32800
MT. ST. HELENS SEDIMENT CONTROL, WA.....	10,200	9,247 32900
MUD MOUNTAIN DAM, WA (FISH PASSAGE).....	11,500	2,340 33000
PUGET SOUND AND ADJACENT WATERS, WA.....	---	2,952 33100
WEST VIRGINIA	---	33300
BLUESTONE LAKE, WV (DAM SAFETY ASSURANCE).....	12,000	11,808 33400
CENTRAL WEST VIRGINIA, WV.....	---	878 33500
GREENRIVER RIVER BASIN, WV.....	---	1,476 33600
ISLAND CREEK BASIN TN AND AROUND LOGAN, WEST VIRGINIA.....	---	187 33700
LEVISH AND LOG FORKS, WV, KY & VA.....	---	28,280 33800
Kentucky.....	---	(4,920)33820
West Virginia.....	---	(5,168)33850
West Virginia.....	---	(18,204)33840
Lower Mud River, Milton, WV.....	---	1,033 33900
Robert C. Lock, Kanawha River, WV.....	25,000	29,520 34000
Robert C. Locks and Dam, Ohio River, WV & OH.....	1,000	905 34100
Southern West Virginia, WV.....	---	468 34200
West Virginia and Pennsylvania Flood Control, WV & PA.....	---	1,873 34300
WISCONSIN	---	34400
NORTHERN WISCONSIN, WI.....	---	7,872 34500
St. Croix Falls, WI.....	---	443 34600
WORKING	---	34700
JACKSON HOLE ENVIRONMENTAL RESTORATION, JACKSON, WY.....	---	445 34800
SUBTOTAL FOR PROJECTS.....	1,414,175	2,082,129 34800
NATIONAL PROGRAMS	---	35000
ABANDONED MINE RESTORATION.....	---	646 35100
Mt. Diablo.....	---	(517)35120
AQUATIC PLANT CONTROL PROGRAM.....	3,000	3,936 35200
Lake Champlain, VT.....	---	(394)35220
Lake Champlain, NY.....	---	(49)35230
Lake Gaston, NC.....	4,900	(512)35240
CHIEF'S 12 ACTIONS.....	---	35500
CONTINUING AUTHORITIES PROGRAM	---	35600
AQUATIC ECOSYSTEM RESTORATION (SECTION 206).....	11,276	29,520 35600
Upper York Creek, Dam Removal, CA.....	---	(3,149)35620
Arkansas River Habitat Restoration Project, CO.....	---	(220)35630
Goose Creek, Boulder, CO.....	---	35640
Lower Boulder Creek, CO.....	---	35650
Teaflisk Eradication, CO.....	---	35660
Stewart Mill River Restoration, CT.....	---	(4,020)35670
Hogans Creek, Jacksonville, FL.....	---	35680

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Rose Bay Ecosystem Restoration Project, FL.....	---	(2,490)35680
Chattahoochee Fall-Line Ecosystem Restoration, FL.....	---	35700
Hokuhito/Hokuia Restoration, HI.....	---	35710
Charrion River/Rathbun Lake, IA.....	---	35720
Duck Creek, Davenport, IA.....	---	35730
Jones River/Clear Creek, Iowa City, IA.....	---	35740
Storm Lake, IA.....	---	35750
Venture Marsh Habitat Restoration, Clear Lake, CA.....	---	(2,658)35760
Whitebreast Creek Watershed, IA.....	---	35770
Paradise Creek Ecosystem Restoration, Moscow, ID.....	---	35780
Salem River, Chelsea, ID.....	---	35790
Salmon Preserve, Fulton County, IL.....	---	35800
Driland Park, IL.....	---	35810
Southern Creek (Round Lake Drain), IL.....	---	(719)35820
Bayou Grande Tete Restoration, Iberville Parish, LA.....	---	35830
Lake Killebrew, Louisiana State Penitentiary, LA.....	---	35840
Lake Verret, Assumption Parish, LA.....	---	35850
University Lakes, Baton Rouge, LA.....	---	35860
Verde River Ecosystem Restoration, LA.....	---	35870
Verde River Ecosystem Restoration, LA.....	---	35880
Zimmerman Park Lake Restoration, Tangipahoa Par, LA.....	---	35890
Arden River Ecosystem, VA.....	---	35900
Hillford Pond, Millford, VA.....	---	(384)35910
Tracts Pond, VA.....	---	(728)35920
Deep Run/Tiber Hudson, Howard County, MD.....	---	35930
Deep Run/Tiber Hudson, Howard County, MD.....	---	35940
Greenbury Point, Anne Arundel County, MD.....	---	35950
Hanover Street Wetlands, Baltimore, MD.....	---	35960
North Beach Wetland Restoration, MD.....	---	35970
Northwest Branch Anasco's River, MD.....	---	35980
Paint Branch Fish Passage, MD.....	---	35990
Tight Middle Branch, MD.....	---	36000
Urbenville Lake, Kent Conrad, MD.....	---	36010
Urbenville Lake, Dorchester Creek, MD.....	---	36020
Painters Creek, Hennebane Creek, Nantuxed, NH.....	---	36030
Winnal Dam, Durham, NH.....	---	36040
Pennsville, Salem County, NJ.....	---	36050
Hemlock Creek Fish Passage Restoration Project, NJ.....	---	36070
Blue Hole Lake State Park, NH.....	---	36080
Bottomless Lakes State Park, NH.....	---	36090
Jones-Nelice Memorial dam, Santa Rosa, NH.....	---	36100
Garrison Creek, Brooklyn, NY.....	---	36110
Lower Hespstead Harbor, NY.....	---	36120
Hanassat Bay, NY.....	---	36130
Hud Creek, Great South Bay, NY.....	---	36140
North Hespstead, NY.....	---	36150
Northport Harbor, Huntington, NY.....	---	(197)36160
Soundview Park, Bronx, NY.....	---	36170
Western Cary Stream, Cary, NC.....	---	36180
Christina and Hickson Dams, NC.....	---	36190
Dreyton Dam, ND.....	---	36200
Ontangy 5th Avenue Dam, OH.....	---	36210
Grand Necho River, OK.....	---	36220
Arrowhead Creek, OK.....	---	36230
Caep Creek - Zuni, Prairie, OR.....	---	36240
Springfield Mill Race Stabilization and Protec, PA.....	---	36245
Dents Run, Elk County, PA.....	---	36250
Southampton Creek, Bucks County, PA.....	---	36260
Sweet Arrow Lake, PA.....	---	36270
Brush Neck Cove, RI.....	---	36280
Narrow River Restoration, RI.....	---	(182)36290
Ten Mile River Restoration, RI.....	---	(178)36300
Minnesota Pond Restoration, TX.....	---	(1,240)36310
Pistol Creek, Maryville, TN.....	---	36320
San Marcos River Ecosystem Restoration, TX.....	---	(366)36330
Spring Lake, San Harcoe, TX.....	---	36340
WTP, Herdian, TX.....	---	36350
West Branch of Little River, VT.....	---	(295)36370
Wild Branch of Lanolia River, VT.....	---	(295)36380
Elizabeth River, Scuffletown Creek, Chesapeake, VA.....	---	36390
Tangler Island, Accomack County, VA.....	---	36400
Lake Belle View, VA.....	---	36420
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204, FEDERAL WATER POLLUTION CONTROL ACT)	---	5,262 36600
Blackhawk Bottoms, IA.....	---	36700
Barataria Bay Wetland, LA.....	---	36800
Calcasieu River, Cameron Parish, LA.....	---	36900
Wynn Road, Oregon, OH.....	---	(246)37000
Restoration of the Cat Islands Chain, Green Bay, WI.....	---	(197)37100
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SEC 204, FEDERAL WATER POLLUTION CONTROL ACT)	---	9,840 37600

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
FLOOD CONTROL PROGRAM (SECTION 208)	11,716	42,312 36800
Wynona, AR.....	36810
Las Gallinas Creek/Santa Venetia Leves, CA.....	36820
Little Mill Creek, Elmore, DE.....	(443)36830
Turkey Creek, Ben Hill County, GA.....	(1,181)36840
Kullouou Stream, Hantsville, HI.....	36850
Pelet Stream, Hantsville, HI.....	36860
Wishaka Stream, Hantsville, HI.....	36870
Indian/Dry Creek, Cedar Rapids, IA.....	36880
Red Oak Creek, Red Oak, IA.....	36700
Winebasco River, Mason, City, IA.....	(98)36710
White River, Anderson, IN.....	(2,078)36730
White Creek, Northham, KS.....	36740
Red Dock Creek, Herford, KY.....	36750
Bayou Choupique, St. Mary Parish, LA.....	36760
Bayou Boeuf de Tortue, Vermillion Parish, LA.....	36770
Pallet Basin, Barataria, LA.....	36800
Roadhouse Basin, LA.....	36810
Town of Spencro, Lafayette Parish, LA.....	(3,454)36810
Blackwater River, Salisbury, MD.....	36820
Elkton, MD.....	36830
Aberjona River, Winchester, VA.....	36840
Ada, VA.....	(98)36850
Rockinny Bayou, Tazewell County, VA.....	(364)36860
Blackapple Creek, St. Joseph, MO.....	(75)36880
Pastus-Crystal City, MO.....	36900
High School Branch, Reunion, MO.....	36910
Little River Diversion, Butchtown, MO.....	36920
Platte River, Fremont, NE.....	(157)36940
Jackson Brook, Morris County, NJ.....	36950
Hill Brook, Highland Park, NJ.....	36960
Pennsville, NJ.....	36970
Poplar Brook, Deal and Ocean Township, NJ.....	(1,968)36980
Upper Passaic River and Tributaries, Long Hill Hatch, NJ.....	(3,444)36990
Fumer Creek, NY.....	(500)39010
Limestone Creek, Fayetteville, NY.....	39020
Royer Creek, NY.....	39030
Steel Creek, NY.....	(1,478)39040
Webster, NY.....	(2,558)39050
Findlay, OH.....	(98)39060
Ottawa, OH.....	(98)39070
Beaver Creek & Tubs, Bristol, TN.....	(787)39080
First Creek, Knoxville, TN.....	(98)39090
Farmers Branch, Trenton, TN.....	(98)39100
Pecan Creek, Gainesville, TX.....	(1,278)39110
WV Statewide Flood Warning System, WV.....	(3,841)39120
MITIGATION OF SHORE DAMAGES (SECTION 111)	4,796 39200
Camp Ellis Restoration Project, NE.....	(243)39300
Hattituck Harbor, NY.....	(285)39400
NAVIGATION PROGRAM (SECTION 107)	477	7,390 39600
Kahnawake Harbor, Kanawha, WV.....	(244)39620
Port Fourchon Extension, Lafourche Parish, LA.....	39640
Bucka Harbor, NE.....	39650
Nebraska Harbor, Niobrara, NE.....	39660
Shoals Point, NE.....	39700
St. James Creek, St. Mary County, MD.....	(116)39740
Mouth Hole, Great Harbor, Woods Hole, MA.....	39760
Northwestern Highway, Traversa City, MI.....	39780
Vincennes Channel Extension, MI.....	(482)39800
Vasco Diversion Canal, MS.....	(167)39820
Wilmington Harbor, MS.....	(197)39840
Ottott Harbor, Breakwater, NY.....	(620)39860
Charleston Harbor, NY.....	39870
PROJECT ROADS FOR ENVIRONMENT (SECTION 113)	11,160	28,520 40600
Upper Cache Restoration, AR.....	40610
Hillwood Lake Grassy Lake, AR.....	40620
Bull Creek Channel, CA.....	40630
Tulung Marsh Environmental Restoration, CA.....	(482)40640
Oyster Revitalization in the Delmarva Bay, DE.....	(770)40650
Virginia Key Beach, FL.....	(984)40660
Kanawha Flood Wildlife Sanctuary Restoration, HI.....	40670
Kaunakakai Stream Environmental Restoration, HI.....	40680
Koehne's Marsh Restoration, HI.....	(4,034)40690

CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Indian Ridge Marsh, Chicago, IL.....	40700
Lake Shelbyville, IL.....	40710
Spunky Bottoms, IL.....	40720
Chariton River, Rathbun Lake Watershed, IN.....	40730
Rathbun Lake, South Fork Restoration, IA.....	40735
Anite River Diversion Canal Bank Gapping, LA.....	40740
Bayou Destard, Monroe, LA.....	40750
Lake Fausse Pointe, Iberia Parish, LA.....	40760
Lake St. Joseph, Tensas Parish, LA.....	(70)40770
Hart-Hillier Island, MD.....	40780
Broad Meadows Marsh, Quincy, MA.....	(2,391)40790
Sea Leasprey Barrier Program, MI.....	(563)40800
Duck Creek Conservation Area, Stoddard County, MO.....	40810
Assumpink Creek, Trenton, NJ.....	(482)40820
Lincoln Park West, Ecosystem Restoration Study, NJ.....	40825
Lower Assumpink Creek, NJ.....	40830
Modocai Island Coastal Wetland Restoration, NJ.....	40840
Pine Mount Creek, NJ.....	40850
Pond Creek Salt Marsh Restoration, Cape May Co, NJ.....	40860
Rahway River, Rahway, NJ.....	40870
Pueblo of Santa Ana Aquatic Restoration, NM.....	40880
Route 86 Environmental Restoration, Albuquerque, NM.....	(187)40890
Northport Harbor, Huntington, NY.....	40890
Smokes Creek, NY.....	40890
Spring Creek, NY.....	40890
Joe Creek Restoration, OK.....	(202)40920
J. Percy Prileat, TN.....	(285)40930
O.C. Fisher Lake, TX.....	40940
Lake Champlain Leasprey Barriers, VT.....	40960
Village of Oyster, Northhampton County, VA.....	40980
Mapes Creek Restoration, WA.....	41000
SHORE PROTECTION PROGRAM (SECTION 103)	422	4,428 41600
Goleto Beach, CA.....	41700
Tarpon Springs, FL.....	(1,058)41800
Philadelphia Shipyard See Mail, Philadelphia, PA.....	(2,755)41900
SNAGGING AND CLEARING (SECTION 208)	10	42800
DAH SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM.....	39,000	38,376 43600
OREDGED MATERIAL DISPOSAL FACILITIES PROGRAM (DMDF).....	8,109 44600
Dillingham Harbor, AK.....	(295)44700
Hoer Harbor, AK.....	(541)44800
Savannah Harbor, GA.....	(2,673)44900
Calcasieu River and Pass, LA.....	(1,966)45000
Georgetown Harbor, MI.....	(1,052)45100
Grand Haven Harbor, MI.....	(123)45200
St. Clair River, MI.....	(123)45300
Charleston Harbor, SC.....	(1,181)45400
Green Bay Harbor, WI.....	(123)45500
EMPLOYEES COMPENSATION.....	21,000	20,664 45600
ESTUARY RESTORATION PROGRAM (PL 106-457).....	5,000	46600
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE.....	40	39 47600
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE.....	185	182 48600
REPROGRAMMING PAYBACKS.....	14,760 50600
SUBTOTAL FOR NATIONAL PROGRAMS.....	108,825	219,800 51600
USE OF PRIOR BALANCES.....	-7,800 53600
TOTAL.....	1,523,000	2,294,028 64600

Santa Ana River mainstem, California.—Funding in addition to the budget request for this project is included to continue studies to ascertain the nature and extent of water quality degradation in the Santa Ana River resulting from the construction and operation of Seven Oaks Dam and to amend the Seven Oaks Dam water control plan in light of current conditions and requirements.

American River Watershed (Folsom Dam Mniraise), California.—Within the funds provided for this project, \$14,000,000 is for completion of the bridge.

Dade County (Miami-Dade), Florida.—The Appropriations Committees are aware of the ongoing study by the Corps to determine the availability of a domestic source of sand for the Miami-Dade Project, which was directed and funded by the Appropriations Committees in fiscal year 1999. The Committees continue to have concerns over the lack of finalization of this study and thereby direct the Corps to identify a compatible sand source for the project using previously appropriated funds no later than March 1, 2008.

Modified Waters Delivery Plan, Florida.—The Appropriations Committees recognize the national importance of this project, but are concerned about the open-ended scope and the increasing costs for the Corps participation in this project.

When the project was authorized in 1989, the plan was to utilize the culverts under the Tamiami Trail to provide the-needed flows to Everglades National Park. The next plan was a 3,000 foot opening in the Tamiami Trail. Now various bridge options are being considered.

Another option under consideration is raising the water level in the L-29 canal, utilizing the culverts to provide the flows and raising the low spots on the Tamiami Trail. The Appropriations Committees are concerned that this constantly changing endpoint for completion of Mod Waters is delaying the Corps from undertaking critical Everglades restoration projects authorized under the Comprehensive Everglades Restoration Plan.

Funds provided for Everglades restoration include \$9,840,000 for this project in fiscal year 2008. This is the Corps' full stated capability and is based on the apparent disarray in determining exactly what will be accomplished in fiscal year 2008. The Corps is directed to use this funding to improve flows through the culverts under the Tamiami Trail. Any use of these funds for other activities requires a reprogramming request and House and Senate Appropriations Committee approval. Within 90 days of enactment, the Corps is directed to submit to the House and Senate Committees on Appropriations its plan for completion of its role in the Modified Waters Delivery Plan, providing a final project scope and identifying, not only Corps funding requirements, but also corresponding contributions from the Department of Interior and State of Florida.

To most effectively utilize the funding provided to the Corps of Engineers for the Modified Waters Delivery project in fiscal year 2008, the Committees on Appropriations expect that the Department of Interior will provide funding to match or exceed that provided to the Corps this fiscal year. The Committees further expect that the Department of Interior share of the project costs will not be provided in the form of in-kind services or credit for work previously performed.

Olmsted Locks and Dam, Ohio River, Illinois and Kentucky.—Neither funds provided for the Olmsted Locks and Dam Project nor funds available within this account are available to reimburse the Claims and Judgment Fund.

Muddy River, Boston, and Brookline, Massachusetts.—Funding is included to continue project design and construction, including ecosystem restoration features, of the Muddy River Project in Brookline and Boston, Massachusetts.

Upper Mississippi Restoration, Illinois, Iowa, Minnesota, Missouri and Wisconsin.—Funding included for this activity shall be available only to continue ongoing design and construction projects and shall not be available to initiate new construction projects.

Missouri Fish and Wildlife Recovery, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota and South Dakota.—Within the funds provided, the Corps is directed to make modifications to the Intake Dam to provide additional habitat for the pallid sturgeon.

Southeast Louisiana project, Louisiana.—No funding is provided for this project. It is the understanding of the Appropriations Committees that legislation and funding will be proposed in the forthcoming Administration supplemental request.

Bois Brule drainage and levee district, Missouri.—Funding is provided for continuing work related to this project. Legislative text is included in the bill that reallocates the unexpended balance of \$597,000 from the terminated continuing authorities project at Bois Brule, Missouri.

Townsend Inlet to Cape May Inlet Hurricane and Storm Protection Project, New Jersey.—Within the funds provided, \$65,000 is available to evaluate the use of periodic backpassing of sand as part of the Townsend Inlet to Cape May Inlet shore protection project.

Atlantic Coast of NYC, Rockaway inlet to Norton Point, New York.—Funding is provided for continuing work related to this project. Further, legislative text is included in the bill that reallocates the unexpended balance of \$881,000 from engineering and design activities that are complete.

Lake Sakakawea, North Dakota.—The original health care facility for the Three Affiliated Tribes was permanently inundated due to the impoundment of Lake Sakakawea. A replacement health care facility was promised but never constructed. Legislative text has been included in the bill that directs the Corps to construct this replacement facility. Funding is provided in the amount of \$2,952,000 for design of the replacement health care facility. The Corps should work closely with the Indian Health Service and the Three Affiliated Tribes on the design and construction of this facility. The Corps is directed to utilize the expertise in their military programs office for this project.

North Dakota (Environmental Infrastructure), North Dakota.—Funding provided under this heading includes \$5,904,000 for work related to the replacement of the Devils Lake Water supply pipeline. Legislative text is included in the bill that reallocates the unexpended balance of \$4,972,000 from the Devils Lake outlet to this project.

Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.—The Appropriations Committees note that title IV of the Water Re-

sources Development Act of 1999, Public Law 106-53 as amended, authorizes funding to pay administrative expenses, implementation of terrestrial wildlife plans, activities associated with land transferred or to be transferred, and annual expenses for operating recreational areas. Funding under this heading includes \$3,936,000 for this effort. Within the funds provided, not more than \$1,000,000 shall be provided for administrative expenses. The Corps is directed to distribute the remaining funds as directed by title IV to the State of South Dakota, the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

Central City, Fort Worth, Texas.—The Appropriations Committees continue to be interested in the efficiencies and additional benefits potentially available from reformulation of the project now underway by the Corps of Engineers. The funds provided for this project are to be used to pursue design and construction of the authorized project, maintaining schedule commitments, while capturing the efficiencies and benefits from the reformulation effort. Further, the Corps is expected to incorporate all changes resulting from the reformulation as soon as they are identified. Additionally, the Corps is directed to consider the planned, complementary efforts of other Federal agencies, state and local governments in the project area that are, or will be, in place as it defines the reformulated Central City project.

Lake Champlain Watershed Initiative.—Funding in the amount of \$2,460,000 is provided for the continuation of this project. Legislative text is included in the bill that reallocates the unexpended balance of \$1,500,000 from the completed Waterbury Dam Seepage Correction repairs to this project.

Levisa and Tug Forks & Upper Cumberland River, West Virginia, Virginia, and Kentucky.—Funding under this heading includes \$28,290,000 for this project. Within the amounts provided, \$4,920,000 shall be for elements of the project in the Commonwealth of Kentucky; \$5,166,000 shall be available for the Commonwealth of Virginia elements of the project; and \$18,204,000 shall be for Kermit, Lower Mingo County, McDowell County, Upper Mingo and Wayne County, West Virginia.

Shoreline Erosion Control Development and Demonstration Program.—The Appropriations Committees understand that this program was considerably expanded and modified in the recent Water Resources Development Act. Therefore, the amended bill includes legislative text to extend the duration of this program so that the Corps can continue monitoring of completed projects and finish work on projects, where possible with previously appropriated funds. No new funds are provided.

Reprogramming Payback.—Funds are provided to meet reprogramming obligations identified by the Corps of Engineers under this account. The Corps shall analyze existing obligations giving priority to project completion and useful increments of work. The Corps shall coordinate the allocation of these funds with the House and Senate Committees on Appropriations. Provision of this funding is intended to assist the Corps in meeting obligations made to Members of Congress and local sponsors. It does not in any way lessen the Corps' responsibility of meeting commitments made to repay "borrowed" funds.

CONTINUING AUTHORITIES PROGRAM

The Appropriations Committees remain concerned with the management of the Continuing Authorities Program. While progress has been made in gaining an understanding of existing obligations and the inventory of unfinished projects, the Corps must continue to refine its policies and approach to this program. The Appropriations Committees are frustrated by the level of Congressional oversight required of a program that remains a small part of the Corps' Civil Works Program. The Appropriations Committees are particularly disturbed that, despite clear guidance restricting the Corps from initiating new projects without the consent or direction of Congress, more than 40 projects were initiated during the Fiscal Year 2007 Continuing Resolution. Until such time as the Corps can demonstrate that the inventory of unfinished projects associated with this program has been sufficiently reduced to allow new investment decisions, the Appropriations Committees fail to see the wisdom in making further commitments to non-federal sponsors which cannot be met. Consequently, the Corps is directed not to initiate or restart any Section 205, 206 or 1135 project which has not been named in a conference report from fiscal year 2002-2008. The term "restart" shall mean funding any project that had received funding before fiscal year 2002 but not since. The Corps may only initiate new projects in the remaining authorities subject to meeting existing project requirements and determining that the program appropriation levels can support additional investment.

The prohibition on executing new cost sharing agreements is not extended to fiscal year 2008; however, approval authority for all cost share agreements shall be maintained by the Chief of Engineers. This authority cannot be delegated.

The Corps is directed to terminate all continuing authorities projects that have not received funding or have not been named specifically in a conference report during the period of fiscal year 2002-2008. Not later than 30 days after enactment, the Corps shall forward a report summarizing the inventory of active but unfinished projects, by authority, to the House and Senate Committees on Appropriations.

The report also shall summarize the review process that the Corps intends to follow to reclassify unfinished projects to better control and manage the inventory of unfinished projects over time. The position of the non-federal sponsor shall be considered in this process. Should the sponsor remain interested in pursuing a project that has been terminated or proposed for termination, the sponsor should officially re-affirm its support for the project and establish that it is a willing and capable sponsor with the financial capability to execute the project, including the ability to obtain required real estate necessary for the implementation of the project. Lacking such re-affirmation by the non-federal sponsor, the project should be or remain terminated. This action should be taken only as a method to assess accurately the inventory of unfinished projects in the program. Any projects in Sections 205, 206, or 1135 that had been terminated but that are re-affirmed by the non-federal sponsor may not be initiated or restarted without the explicit consent of the House and Senate Committees on Appropriations. Not later

than 180 days after enactment, the Corps shall forward a report to the House and Senate Committees on Appropriations summarizing the results of the first iteration of the reclassification review.

The Corps is directed to maintain an approximately 80–20 percent split between the Design and Implementation (D&I) phase and the Feasibility phase within each authority. This split should be considered a guideline only, as there may be specific circumstances that require a slightly different weighting.

In the following tables, two categories of projects are included: projects with a specific funding amount designated by Congress for fiscal year 2008; and projects the Corps may consider for funding after the first category of projects is addressed. The Corps shall prioritize the second category of projects (i.e., those listed without dollar amounts) based on the following criteria:

Priorities for Design and Implementation (D&I) Phase:

1. D&I work for continuing projects that have executed PCAs.
2. D&I funding for projects approved by Corps Headquarters to execute a PCA.
3. D&I work which does not require executed agreements (e.g. continuing or pre-PCA design) for ongoing projects.
4. D&I funding for projects with approved Feasibility Reports moving into D&I.

Priorities for Feasibility Phase:

1. Feasibility phase funding for projects with executed FCSAs.
2. Feasibility phase funding for projects approved by Corps Headquarters to execute a FCSA.
3. Feasibility phase work which does not require a FCSA for ongoing projects.
4. Feasibility phase funding for initiations or restarts.

Within the last-funded priority level within the D&I and Feasibility phases, if the projects qualifying for funding exceed the available funding, funds shall be allocated based on project outputs and the non-federal sponsor's ability to meet local obligations.

Remaining funds, if any, may be allocated to additional projects in accordance with the aforementioned priorities, except that remaining funds for Section 14 projects shall be allocated to the most urgently needed projects.

For all projects that receive a specific dollar amount, the Corps shall make this funding available for a period of two years, after which time the funding may be used to meet other project requirements. The funds may also be used to meet other requirements upon termination of these projects. The Corps shall also make available for two years from enactment of this Act any project funds remaining from Congressional direction in fiscal year 2006.

The Chief of Engineers should provide a report to the House and Senate Committees on Appropriations within 30 days of enactment of this Act detailing how funds will be distributed to the individual items in the various CAP sections for the fiscal year. The Chief should also provide an annual report at the end of each fiscal year detailing the progress made on the backlog of projects. The report should include the completions and terminations as well as progress of on-going work. The Appropriations Committees are willing to work with the Corps on any reforms that they might suggest to improve this program.

MISSISSIPPI RIVER AND TRIBUTARIES

The amended bill provides \$387,402,000 for Mississippi River and Tributaries (MR&T), instead of \$278,000,000 as proposed by the House and \$375,000,000 as proposed by the Senate.

The allocation for projects and activities within the Mississippi River and Tributaries account is shown in the following table:

