

CORPS OF ENGINEERS—CIVIL WORKS

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] efforts. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Inland Waterways Trust Fund	205	216	157
Rivers and harbors contributed funds (mandatory)	303	243	249
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Total direct program	2722	2532	1604
Reimbursable program	1329	668	623
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Total program	4051	3200	2227

Federal Funds

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], \$6,000,000, to remain available until expended. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3132-0-1-054	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 Direct program activity	4	4	6
10.00 Total new obligations	4	4	6
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Budgetary resources available for obligation:			
22.00 New budget authority (gross)	4	4	6
23.95 Total new obligations	-4	-4	-6
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New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	4	4	6
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Change in obligated balances:			
72.40 Obligated balance, start of year	1	1	1
73.10 Total new obligations	4	4	6
73.20 Total outlays (gross)	-5	-4	-6
74.40 Obligated balance, end of year	0	0	0
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Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	4	4	6
86.93 Outlays from discretionary balances	1	1	1
87.00 Total outlays (gross)	5	4	6
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Net budget authority and outlays:			
89.00 Budget authority	4	4	6
90.00 Outlays	5	4	6

Object Classification (in millions of dollars)

Identification code 96-3132-0-1-054	2007 actual	2008 est.	2009 est.
Direct obligations:			
12.1 Civilian personnel benefits	1	1	1
25.3 Other purchases of goods and services from Government accounts	4	3	5
99.9 Total new obligations	4	4	6

CONSTRUCTION PROGRAM

(Budget authority in millions of dollars)

	2007 actual	2008 est.	2009 est.
Direct program:			
General fund	2177	2012	1245
Supplemental	37	37	37
Harbor Maintenance Trust Fund	61	61	61

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] \$1,402,000,000, 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, replacement, and [rehabilitation] expansion 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

CONSTRUCTION—Continued

[(INCLUDING RESCISSIONS OF FUNDS)]—Continued

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 lifeguard 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].

For an additional amount for Construction for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,761,000,000, to remain available until expended: Provided, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That of the amounts provided herein, \$2,926,000,000 shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for: repair, restoration, and accelerated completion of the Lake Pontchartrain and Vicinity and West Bank and Vicinity projects to the levels of protection authorized prior to Hurricane Katrina; modification of the 17th Street, Orleans Avenue, and London Avenue drainage canals and installation of pumps and closure structures at or near the lake-front; armoring of critical elements of the New Orleans hurricane storm damage reduction system; improvement of protection at the Inner Harbor Navigation Canal; reinforcement or replacement, as necessary, of flood walls in the existing Lake Pontchartrain and Vicinity and West Bank and Vicinity projects to improve performance; repair and restoration of authorized protection for the New Orleans to Venice project; completion of the authorized New Orleans to Venice project; for incorporating the non-Federal levees in Plaquemines Parish into the New Orleans to Venice project; and for storm proofing interior pump stations: Provided further, That of the amounts provided herein, \$2,835,000,000 shall be used, subject to a 65 percent Federal / 35 percent non-Federal cost share, for completion of levee raises and other enhancements to the Lake Pontchartrain and Vicinity and West Bank and Vicinity projects to provide the level of protection necessary to achieve certification required for participation in the National Flood Insurance Program on the date of enactment of this Act; and completion of the Southeast Louisiana Urban Drainage project within the geographic perimeter of the Lake Pontchartrain and Vicinity and West Bank and Vicinity projects. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)		2007 actual	2008 est.	2009 est.
Identification code 96-3122-0-1-301				
Obligations by program activity:				
00.04	Projects specifically authorized by Congress (Channels and Harbors)	274	314	195
00.05	Projects not specifically authorized by Congress (Channels and Harbors)	10	12	7
00.09	Locks and dams	235	270	380
00.12	Projects specifically authorized by Congress (Beach erosion)	63	72	45
00.13	Projects not specifically authorized by Congress (Beach Erosion)	4	5	3
00.16	Projects specifically authorized by Congress (Flood Control)	528	606	387
00.17	Projects not specifically authorized by Congress (Flood Control)	22	25	16
00.18	Emergency streambank and shoreline protection	10	12	7
00.22	Reservoirs	129	148	92
00.25	Multiple-purpose power projects	18	21	13
00.27	Navigation	51	59	36
00.28	Flood control	75	86	54
00.29	Multiple-purpose power projects	31	36	22
00.33	Employees' compensation	19	22	14
00.34	Environmental projects	555	636	395
00.35	Project modification for environmental restoration	25	28	18
00.36	Aquatic plant control	4	5	3
00.37	Aquatic ecosystems	17	19	12
00.39	Beneficial uses of dredged material	26	29	19
00.40	New Orleans Storm Protection			3,230
01.00	Direct program subtotal	2,096	2,405	4,948
09.00	Reimbursable program	1,317	1,360	991
10.00	Total new obligations	3,413	3,765	5,939
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	2,278	2,408	1,323
22.00	New budget authority (gross)	3,543	2,680	7,786
23.90	Total budgetary resources available for obligation	5,821	5,088	9,109
23.95	Total new obligations	-3,413	-3,765	-5,939
24.40	Unobligated balance carried forward, end of year	2,408	1,323	3,170
New budget authority (gross), detail:				
Discretionary:				
40.00	Appropriation	2,214	2,012	7,006
Spending authority from offsetting collections:				
58.00	Offsetting collections (cash)	900	668	780
58.10	Change in uncollected customer payments from Federal sources (unexpired)	429		
58.90	Spending authority from offsetting collections (total discretionary)	1,329	668	780
70.00	Total new budget authority (gross)	3,543	2,680	7,786
Change in obligated balances:				
72.40	Obligated balance, start of year	-382	85	884
73.10	Total new obligations	3,413	3,765	5,939
73.20	Total outlays (gross)	-2,517	-2,966	-3,273
74.00	Change in uncollected customer payments from Federal sources (unexpired)	-429		
74.40	Obligated balance, end of year	85	884	3,550
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	1,181	1,619	2,100
86.93	Outlays from discretionary balances	1,336	1,347	1,173
87.00	Total outlays (gross)	2,517	2,966	3,273
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Federal sources	-892	-126	-286
88.40	Non-Federal sources	-8	-542	-494
88.90	Total, offsetting collections (cash)	-900	-668	-780
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	-429		
Net budget authority and outlays:				
89.00	Budget authority	2,214	2,012	7,006

90.00 Outlays	1,617	2,298	2,493
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This appropriation funds the construction, replacement, and expansion of water resources projects whose principal purpose is to provide commercial navigation, flood and storm damage reduction, or aquatic ecosystem restoration benefits to the Nation, and related activities. The Budget shows all activity financed through the Inland Waterways Trust Fund as occurring within the Construction account.

This account allocates funds based on performance-based guidelines, which improve the overall performance of the construction program by redirecting funds to high-performing projects and limiting new construction starts.

1. *Project rankings.*—All ongoing specifically authorized construction projects, including projects funded in the Mississippi River and Tributaries account, will be assigned based upon their primary purpose to one of the main mission areas of the Corps (flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration) or to hydropower. Flood and storm damage reduction, commercial navigation, and hydropower projects will be ranked by their total benefits divided by their total costs (BCR), calculated at a seven percent real discount rate. Aquatic ecosystem restoration projects will be ranked by the extent to which they cost-effectively contribute to the restoration of a nationally or regionally significant aquatic ecosystem that has become degraded as a result of a civil works project, or to a restoration effort for which the Corps is otherwise uniquely well-suited (e.g., because the solution requires complex alterations to the hydrology and hydraulics of a river system).

2. *Projects funded on the basis of their economic and environmental returns.*—Ongoing flood and storm damage reduction, commercial navigation, and hydropower construction projects with a BCR of 1.5 or higher and ongoing aquatic ecosystem restoration construction projects that are cost-effective in contributing to the restoration of a nationally or regionally significant aquatic ecosystem that has become degraded as a result of a civil works project or to a restoration effort for which the Corps is otherwise uniquely well-suited will receive at least the amount needed to pay estimated contractor earnings required under ongoing contracts and related costs. In allocating funds among these projects, priority will be given to the projects with the highest economic and environmental returns and to projects where the Corps can complete physical construction of the project and/or related administrative activities in the budget year.

3. *Projects funded to address significant risk to human safety.*—Flood and storm damage reduction projects that are funded to address significant risk to human safety will receive sufficient funding to support an uninterrupted effort during the budget year.

4. *Projects with low economic and environmental returns.*—Ongoing flood and storm damage reduction, commercial navigation, and hydropower construction projects with a BCR below 1.5 will be considered for deferral, except for flood and storm damage reduction projects that are funded to address significant risk to human safety. Likewise, ongoing aquatic ecosystem restoration construction projects that do not cost-effectively contribute to the restoration of a nationally or regionally significant aquatic ecosystem that has become degraded as a result of a civil works project, and do not cost-effectively address a problem for which the Corps is otherwise uniquely well-suited, will be considered for deferral.

5. *New starts and resumptions.*—The budget could include funds to start up new construction projects, or to resume work on ongoing construction projects on which the Corps has not performed any physical work under a construction contract during the past three consecutive fiscal years, only if the project would be ranked that year in the top 20 percent of the ongoing construction projects in the budget in its mis-

sion area. The term “physical work under a construction contract” does not include activities related to project planning, engineering and design, relocation, or the acquisition of lands, easements, or rights-of-way. For non-structural flood damage reduction projects, construction begins in the first fiscal year in which the Corps acquires lands, easements, or rights-of-way primarily to relocate structures, or performs physical work under a construction contract for non-structural project-related measures. For aquatic ecosystem restoration projects, construction begins in the first fiscal year in which the Corps acquires lands, easements, or rights-of-way primarily to facilitate the restoration of degraded aquatic ecosystems including wetlands, riparian areas, and adjacent floodplains, or performs physical work under a construction contract to modify existing project facilities primarily to restore the aquatic ecosystem. For all other projects, construction begins in the first fiscal year in which the Corps performs physical work under a construction contract.

6. *Other cases.*—Projects will receive the amount needed to ensure that they comply with treaties and with biological opinions pursuant to the Endangered Species Act, and meet authorized mitigation requirements.

Dam safety assurance, seepage control, and static instability correction projects that are funded in the construction account will receive the maximum level of funding that the Corps can efficiently and effectively spend each year.

The Administration proposes that the Executive Branch and the Congress apply these guidelines to the Corps construction account and to the construction activities in the Mississippi River and Tributaries account.

This account includes \$92 million for work under the Comprehensive Everglades Restoration Plan (CERP), which represents 7 percent of the total amount in this account and 2 percent of the total amount in the civil works program excluding the emergency funds. Funding CERP at this level would not have a significant impact on the overall civil works program in 2009. Future levels of construction account funding for CERP will depend on the availability of funds, and the impact of such future funding on the overall civil works program cannot be determined at this time. Funding for the Department of the Interior (DOI) includes an additional \$9 million for work under CERP.

Also included in this account is \$93 million for other work related to the ongoing effort to restore the Everglades/South Florida ecosystem. Funding for DOI includes \$61 million for such non-CERP work.

The 2009 Budget for the two agencies includes a total of \$255 million for Everglades/South Florida ecosystem restoration work, of which \$101 million is for CERP and \$154 million is for non-CERP work.

This appropriation also funds continuing authorities programs (the planning, design, and construction of projects that do not require specific legislation). The 2009 Budget includes funding in this account for flood control (Section 205), emergency streambank and shoreline protection (Section 14), navigation (Section 107), aquatic ecosystem restoration (Section 206), and project modifications for improvement of the environment (Section 1135).

Public Law 109–148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109–234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110–28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, to accelerate completion of New Orleans area flood and storm damage reduction projects, and to provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the required work has increased with time, resulting in an upward revision of project costs. \$5,761,000,000 in additional construction funds, designated as emergency funding, combined with the State’s contribution

CONSTRUCTION—Continued

[(INCLUDING RESCISSIONS OF FUNDS)]—Continued

of non-Federal cost-share, would provide 100-year storm protection to greater New Orleans in 2011, improved internal drainage for specific portions of New Orleans, and for completion of repair and restoration and accelerated work to authorized levels of protection in surrounding areas. The request includes, at full Federal expense the following estimated amounts: \$133 million to complete repairing and restoring authorized protection and floodwalls on the Lake Pontchartrain and Vicinity (LPV) project; \$171 million to complete authorized protection on the LPV and West Bank and Vicinity (WBV) projects; \$260 million to complete repairing and restoring authorized protection and floodwalls on the New Orleans to Venice (NOV) Project; \$188 million to complete authorized protection on the NOV project; \$456 million to complete work to incorporate non-Federal levees in Plaquemines Parish into the Federal system; \$704 million for pumps and closures at outfall canals; \$53 million to improve protection at the Inner Harbor Navigation Canal; \$459 million for armoring levees and floodwalls; \$412 million to reinforce and replace floodwalls on the LPV and WBV projects; and \$90 million to storm-proof pump stations. The request also includes estimated costs of \$1,077 million to provide 100-year storm protection for the LPV project; \$920 million to provide 100-year storm protection for the WBV project; and \$838 million for the Southeast Louisiana Urban Drainage project (SELA). This work on SELA and to increase storm protection to 100 years for the LPV and WBV projects would be cost-shared 65 percent Federal / 35 percent non-Federal. The Secretary may, under existing law, permit a delay in the initial payment, without interest, of any non-Federal contribution of funds associated with each measure for up to one year after the date when construction is begun on such measure.

Object Classification (in millions of dollars)

Identification code 96-3122-0-1-301	2007 actual	2008 est.	2009 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	167	171	183
11.3 Other than full-time permanent	10	10	10
11.5 Other personnel compensation	7	8	8
11.9 Total personnel compensation	184	189	201
12.1 Civilian personnel benefits	47	49	52
12.1 Accrued retirement	5	5	5
12.1 Other personnel	2	2	2
21.0 Travel and transportation of persons	12	12	17
23.1 Rental payments to GSA	16	16	21
23.3 Communications, utilities, and miscellaneous	8	8	13
24.0 Printing and reproduction	8	8	13
25.1 Advisory and assistance services	163	200	144
25.2 Other services	794	902	617
25.3 Purchase of goods and services from Government accounts	259	348	265
25.4 Operation and maintenance of facilities			3,230
25.5 Research and development contracts	10	10	15
26.0 Supplies and materials	12	12	17
31.0 Equipment	17	17	22
32.0 Land and structures	558	627	314
99.0 Direct obligations	2,095	2,405	4,948
99.0 Reimbursable obligations	1,318	1,360	991
99.9 Total new obligations	3,413	3,765	5,939

Employment Summary

Identification code 96-3122-0-1-301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	2,543	2,500	2,615
Reimbursable:			
2001 Civilian full-time equivalent employment	1,139	1,200	1,200

OPERATION AND MAINTENANCE PROGRAM

(Budget authority in millions of dollars)

	2007 actual	2008 est.	2009 est.
Direct program:			
General fund (non-homeland security)	999	1459	1700
General fund (homeland security)	42	42	42
Supplemental	3		
Rescission	-20		
Special recreation user fees	43	43	43
Harbor Maintenance Trust Fund	891	742	732
Bonneville Power Administration transfer (mandatory)	78	82	85
Rivers and harbors contributed funds (mandatory)	34	26	27
Total direct program	2070	2420	2629
Reimbursable program	150	26	26
Total program	2220	1923	2655

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] including rehabilitating such projects where the extent of the work is not large enough to be considered a replacement; constructing facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation operation and maintenance activities; mitigating the impacts on shorelines resulting from Federal navigation operation and maintenance activities; addressing the effects of civil works projects owned or operated by the Corps on Federally listed species; providing security for infrastructure owned [and] or 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]; maintaining 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] surveying and charting [of] northern and northwestern lakes and connecting waters[.]; clearing and straightening channels[.]; and [removal of] removing obstructions to navigation, [\$2,243,637,000] \$2,475,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for 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 are necessary to cover one-half of the costs of rehabilitation of inland waterways projects shall be derived from the Inland Waterways Trust 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] shall 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 from fees collected 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 such fees have been collected[. Provided, That utilizing funds appropriated herein, for the Intra-coastal 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]. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3123-0-1-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 Channels and harbors		50	782
00.02 Locks and dams	382	355	400

00.05	Reservoirs	368	300	325
00.06	Channel improvements, inspections, and miscellaneous maintenance	35	35	43
00.09	Multiple-purpose power projects	406	180	190
00.91	Total operation and maintenance projects	1,191	920	1,740
01.01	Protection of navigation	41	5	7
01.02	National emergency preparedness	3	5	5
01.05	Special programs to improve operation and maintenance	7	7	7
01.91	Total miscellaneous items	51	17	19
01.92	Total direct program	1,242	937	1,759
09.00	Reimbursable program activity	115	120	120
10.00	Total new obligations	1,357	1,057	1,879
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	285	238	709
22.00	New budget authority (gross)	1,310	1,528	2,502
23.90	Total budgetary resources available for obligation	1,595	1,766	3,211
23.95	Total new obligations	-1,357	-1,057	-1,879
24.40	Unobligated balance carried forward, end of year	238	709	1,332
New budget authority (gross), detail:				
Discretionary:				
40.00	Appropriation	1,002	1,417	1,650
40.00	Appropriation (Homeland Security)	42	42	42
42.00	Transferred from other accounts	43	43	43
43.00	Appropriation (total discretionary)	1,087	1,502	1,735
Spending authority from offsetting collections:				
58.00	Offsetting collections (cash)	142	26	767
58.10	Change in uncollected customer payments from Federal sources (HMTF)	7		
58.90	Spending authority from offsetting collections (total discretionary)	149	26	767
Mandatory:				
62.00	Transferred from other accounts	74		
70.00	Total new budget authority (gross)	1,310	1,528	2,502
Change in obligated balances:				
72.40	Obligated balance, start of year	609	507	69
73.10	Total new obligations	1,357	1,057	1,879
73.20	Total outlays (gross)	-1,452	-1,495	-2,328
74.00	Change in uncollected customer payments from Federal sources (unexpired)	-7		
74.40	Obligated balance, end of year	507	69	-380
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	1,066	1,372	2,171
86.93	Outlays from discretionary balances	61	123	157
86.97	Outlays from new mandatory authority	74		
86.98	Outlays from mandatory balances	251		
87.00	Total outlays (gross)	1,452	1,495	2,328
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Other Federal sources (Cash)	-122	-25	-766
88.40	Non-Federal sources,	-20	-1	-1
88.90	Total, offsetting collections (cash)	-142	-26	-767
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	-7		
Net budget authority and outlays:				
89.00	Budget authority	1,161	1,502	1,735
90.00	Outlays	1,310	1,469	1,561

Summary of Budget Authority and Outlays

(in millions of dollars)

	2007 actual	2008 est.	2009 est.
Enacted/requested:			
Budget Authority	1,161	1,502	1,735
Outlays	1,310	1,469	1,561
Legislative proposal, subject to PAYGO:			
Budget Authority			9

Outlays			
Total:			
Budget Authority	1,161	1,502	1,744
Outlays	1,310	1,469	1,561

This appropriation funds operation, maintenance, and related activities at the water resources projects that the Corps operates and maintains. Work to be accomplished consists of dredging, repair, and operation of structures and other facilities, as authorized in the various River and Harbor, Flood Control, and Water Resources Development Acts. Related activities include aquatic plant control, monitoring of completed projects where appropriate, removal of sunken vessels, and the collection of domestic waterborne commerce statistics. The Budget shows all activity financed through the Harbor Maintenance Trust Fund and the Inland Waterways Trust Fund as occurring within and transferred to the Operation and Maintenance account. To improve accountability and oversight, reflect the full cost of operating and maintaining existing projects, and support an integrated investment strategy, the Budget funds the following activities in the operation and maintenance account: the rehabilitation of infrastructure, where the extent of the work is not large enough to be considered a replacement; Endangered Species Act compliance, where the Corps is implementing a reasonable and prudent alternative set forth in a biological opinion in order to be able to continue operating an existing project without jeopardizing the existence of federally listed species; the construction of facilities, projects or features (including islands and wetlands) to use materials dredged during Federal navigation operation and maintenance activities; and the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities.

This appropriation funds all of the costs associated with protecting Corps facilities from potential security threats. It also funds the national emergency preparedness program under Executive Order 11490.

This account does not provide any funding for the operation and maintenance of CERP in 2009; therefore, funding CERP at this level would not have a significant impact on the overall Corps civil works program. No CERP projects have been completed, and the work scheduled for CERP over the next couple of years will not involve the operation and maintenance of projects. Future levels of funding for operation and maintenance will depend on the pace of project construction and availability of funds. The impact of such future funding on the overall Corps civil works program cannot be determined at this time.

Object Classification (in millions of dollars)

Identification code 96-3123-0-1-301	2007 actual	2008 est.	2009 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	373	386	585
11.3	Other than full-time permanent	31	31	29
11.5	Other personnel compensation	30	31	31
11.9	Total personnel compensation	434	448	645
12.1	Civilian personnel benefits	105	109	161
13.0	Benefits for former personnel	4	4	4
21.0	Travel and transportation of persons	6	6	16
22.0	Transportation of things	2	2	12
23.1	Rental payments to GSA	5	5	15
23.2	Rental payments to others	1	1	6
23.3	Communications, utilities, and miscellaneous charges	15	15	30
24.0	Printing and reproduction	2	2	2
25.1	Advisory and assistance services	2	2	7
25.2	Other services	300	130	232
25.3	Other purchases of goods and services from Government accounts	200	84	274
25.4	Operation and maintenance of facilities	40	29	50
25.7	Operation and maintenance of equipment	5	5	10
26.0	Supplies and materials	10	10	35

OPERATION AND MAINTENANCE—Continued

Object Classification (in millions of dollars)—Continued

Identification code 96-3123-0-1-301		2007 actual	2008 est.	2009 est.
31.0	Equipment	10	10	35
32.0	Land and structures	101	75	225
99.0	Direct obligations	1,242	937	1,759
99.0	Reimbursable obligations	115	120	120
99.9	Total new obligations	1,357	1,057	1,879

Employment Summary

Identification code 96-3123-0-1-301		2007 actual	2008 est.	2009 est.
Direct:				
1001	Civilian full-time equivalent employment	8,258	8,140	7,100

OPERATION AND MAINTENANCE
(Legislative proposal, subject to PAYGO)

Program and Financing (in millions of dollars)

Identification code 96-3123-4-1-301		2007 actual	2008 est.	2009 est.
Obligations by program activity:				
00.01	Direct program activity			9
01.92	Total direct program			9
10.00	Total new obligations (object class 25.2)			9
Budgetary resources available for obligation:				
22.00	New budget authority (gross)			9
23.95	Total new obligations			-9
New budget authority (gross), detail:				
Mandatory:				
62.00	Transferred from other accounts			9
Change in obligated balances:				
73.10	Total new obligations			9
74.40	Obligated balance, end of year			9
Net budget authority and outlays:				
89.00	Budget authority			9
90.00	Outlays			

SPECIAL RECREATION USER FEE

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-5383-0-2-301		2007 actual	2008 est.	2009 est.
01.00	Balance, start of year	50	51	46
01.99	Balance, start of year	50	51	46
Receipts:				
02.20	Special Recreation Use Fees, Corps of Engineers	43	37	37
02.21	Special Recreation Use Fees, Corps of Engineers— legislative proposal subject to PAYGO			9
02.22	User Fees, Fund for Non-Federal Use of Disposal Facilities	1	1	1
02.99	Total receipts and collections	44	38	47
04.00	Total: Balances and collections	94	89	93
Appropriations:				
05.00	Special Recreation User Fee	-43	-43	-43
05.01	Special Recreation User Fee—legislative proposal subject to PAYGO			-9
05.99	Total appropriations	-43	-43	-52
07.99	Balance, end of year	51	46	41

Program and Financing (in millions of dollars)

Identification code 96-5383-0-2-301		2007 actual	2008 est.	2009 est.
New budget authority (gross), detail:				
Discretionary:				
40.20	Appropriation (special fund)	43	43	43
41.00	Transferred to other accounts	-43	-43	-43
43.00	Appropriation (total discretionary)			
Net budget authority and outlays:				
89.00	Budget authority			
90.00	Outlays			

The Administration re-proposes a Corps recreation facility modernization initiative based on a model now employed by other Federal recreation providers including the National Park Service and the Forest Service. The Corps would finance a portion of the cost of maintaining and upgrading recreation facilities through the retention of user fees. Under the Operation and Maintenance and Mississippi River and Tributaries accounts, the Budget provides a total of \$274 million for recreation activities in 2009.

SPECIAL RECREATION USER FEE

(Legislative proposal, subject to PAYGO)

Program and Financing (in millions of dollars)

Identification code 96-5383-4-2-301		2007 actual	2008 est.	2009 est.
New budget authority (gross), detail:				
Mandatory:				
60.20	Appropriation (special fund)			9
61.00	Transferred to other accounts			-9
62.50	Appropriation (total mandatory)			
Net budget authority and outlays:				
89.00	Budget authority			
90.00	Outlays			

MISSISSIPPI RIVER AND TRIBUTARIES PROGRAM

(Budget authority in millions of dollars)

	2007 actual	2008 est.	2009 est.
Direct program:			
General fund	397	387	240
Rivers and harbors contributed funds (mandatory)	33	28	29
Total direct program	430	415	269
Reimbursable program	41	1	1
Total program	471	416	270

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for [the] flood damage reduction [program for] projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, [\$387,402,000] \$240,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible 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]. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3112-0-1-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 General investigations	7	9	8
00.03 Construction	189	194	111
00.05 Operation and Maintenance	221	180	109
09.11 Reimbursable program	43	47	37
10.00 Total new obligations	460	430	265
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	141	119	77
22.00 New budget authority (gross)	438	388	241
23.90 Total budgetary resources available for obligation	579	507	318
23.95 Total new obligations	-460	-430	-265
24.40 Unobligated balance carried forward, end of year	119	77	53
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	397	387	240
Spending authority from offsetting collections:			
58.00 Offsetting collections (cash)	45	1	1
58.10 Change in uncollected customer payments from Federal sources (unexpired)	-4		
58.90 Spending authority from offsetting collections (total discretionary)	41	1	1
70.00 Total new budget authority (gross)	438	388	241
Change in obligated balances:			
72.40 Obligated balance, start of year	116	145	145
73.10 Total new obligations	460	430	265
73.20 Total outlays (gross)	-435	-430	-283
74.00 Change in uncollected customer payments from Federal sources (unexpired)	4		
74.40 Obligated balance, end of year	145	145	127
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	162	291	181
86.93 Outlays from discretionary balances	273	139	102
87.00 Total outlays (gross)	435	430	283
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-44	-1	-1
88.40 Non-Federal sources	-1		
88.90 Total, offsetting collections (cash)	-45	-1	-1
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	4		
Net budget authority and outlays:			
89.00 Budget authority	397	387	240
90.00 Outlays	390	429	282

This appropriation funds planning, construction, and operation and maintenance activities associated with projects to reduce flood damage in the lower Mississippi River alluvial valley below Cape Girardeau, Missouri.

Object Classification (in millions of dollars)

Identification code 96-3112-0-1-301	2007 actual	2008 est.	2009 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	65	62	64
11.3 Other than full-time permanent	4	4	4
11.5 Other personnel compensation	10	10	11
11.9 Total personnel compensation	79	76	79
12.1 Civilian personnel benefits	20	20	20
13.0 Benefits for former personnel	1	1	1
21.0 Travel and transportation of persons	3	3	3
23.1 Rental payments to GSA	3	3	3
23.3 Communications, utilities, and miscellaneous	5	5	5

24.0 Printing and reproduction	2	2	2
25.1 Advisory and assistance services	3	3	3
25.2 Other services	110	72	35
25.3 Purchase goods & svcs. fm Government	121	100	61
25.4 Operation and maintenance of facilities	2	2	2
26.0 Supplies and materials	6	6	6
31.0 Equipment	2	2	2
32.0 Land and structures	60	88	6
99.0 Direct obligations	417	383	228
99.0 Reimbursable obligations	43	47	37
99.9 Total new obligations	460	430	265

Employment Summary

Identification code 96-3112-0-1-301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	1,183	1,100	1,100

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$40,000,000, to remain available until expended.

Program and Financing (in millions of dollars)

Identification code 96-3125-0-1-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
Direct program:			
00.01 Disaster preparedness	21	40	40
00.02 Emergency operations	20	20	20
00.03 Rehabilitation	911	2,767	1,106
00.04 Advance measures	1	2	2
09.00 Reimbursable program activity	425	135	135
10.00 Total new obligations	1,378	2,964	1,303
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	5,884	5,956	2,967
22.00 New budget authority (gross)	1,450	-25	46
23.90 Total budgetary resources available for obligation	7,334	5,931	3,013
23.95 Total new obligations	-1,378	-2,964	-1,303
24.40 Unobligated balance carried forward, end of year	5,956	2,967	1,710
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	1,561		40
Spending authority from offsetting collections:			
58.00 Offsetting collections (cash)	2,621	359	156
58.10 Change in uncollected customer payments from Federal sources (unexpired)	-2,732	-384	-150
58.90 Spending authority from offsetting collections (total discretionary)	-111	-25	6
70.00 Total new budget authority (gross)	1,450	-25	46
Change in obligated balances:			
72.40 Obligated balance, start of year	-2,765	-423	1,250
73.10 Total new obligations	1,378	2,964	1,303
73.20 Total outlays (gross)	-1,768	-1,675	-3,046
74.00 Change in uncollected customer payments from Federal sources (unexpired)	2,732	384	150
74.40 Obligated balance, end of year	-423	1,250	-343
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	518	-25	26
86.93 Outlays from discretionary balances	1,250	1,700	3,020
87.00 Total outlays (gross)	1,768	1,675	3,046
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-2,630	-359	-156
88.40 Non-Federal sources	9		

FLOOD CONTROL AND COASTAL EMERGENCIES—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3125-0-1-301	2007 actual	2008 est.	2009 est.
88.90 Total, offsetting collections (cash)	-2,621	-359	-156
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	2,732	384	150
Net budget authority and outlays:			
89.00 Budget authority	1,561		40
90.00 Outlays	-853	1,316	2,890

This appropriation funds the planning, training, exercises, and other preparedness measures that ensure the readiness of the Corps to respond to floods, hurricanes, and other natural disasters, and to support emergency operations in response to such natural disasters, including advance measures, flood fighting, emergency operations, providing potable water on an emergency basis, and the repair of certain flood and storm damage reduction projects. The funding in the 2009 Budget is for preparedness activities.

Object Classification (in millions of dollars)

Identification code 96-3125-0-1-301	2007 actual	2008 est.	2009 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	79	82	84
11.3 Other than full-time permanent	9	9	10
11.5 Other personnel compensation	23	71	73
11.9 Total personnel compensation	111	162	167
12.1 Civilian personnel benefits	23	24	24
21.0 Travel and transportation of persons	5	5	5
23.1 Rental payments to GSA	5	5	5
23.3 Communications, utilities, and miscellaneous charges	5	5	5
25.3 Other purchases of goods and services from Gov- ernment accounts	404	1,145	464
31.0 Equipment	195	738	225
32.0 Land and structures	205	745	273
99.0 Direct obligations	953	2,829	1,168
99.0 Reimbursable obligations	425	135	135
99.9 Total new obligations	1,378	2,964	1,303

Employment Summary

Identification code 96-3125-0-1-301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	1,233	1,220	1,220

INVESTIGATIONS PROGRAM

(Budget authority in millions of dollars)

	2007 actual	2008 est.	2009 est.
Direct program:			
General fund	163	167	91
Supplemental	8		
Rivers and harbors contributed funds (mandatory)	23	19	19
Total direct program	194	186	110
Reimbursable program	38	9	9
Total program	232	195	119

INVESTIGATIONS

[(INCLUDING RESCISSION OF FUNDS)]

For expenses necessary where authorized by law 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] needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects owned or operated by the Corps[;]; and for miscellaneous investigations[;]; and, when authorized by law, surveys and detailed studies, and plans and specifications of projects [prior to construction, \$167,261,000], \$91,000,000, 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]. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3121-0-1-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 Navigation, flood damage prevention, and shoreline protection studies	32	25	15
00.02 Comprehensive basin studies	4	3	2
00.03 Special studies	32	26	16
00.04 Review of authorized projects	1	1	
00.05 Cooperation with other Federal agencies and non- Federal interests	6	8	5
00.07 Preconstruction engineering and design	8	26	16
00.08 Flood plain management services	7	5	3
00.09 Other programs	54	30	19
00.10 Research and development	28	16	10
09.11 Reimbursable program activity	47	44	26
10.00 Total new obligations	219	184	112

Budgetary resources available for obligation:

21.40 Unobligated balance carried forward, start of year	118	108	100
22.00 New budget authority (gross)	209	176	100
23.90 Total budgetary resources available for obligation	327	284	200
23.95 Total new obligations	-219	-184	-112
24.40 Unobligated balance carried forward, end of year	108	100	88

New budget authority (gross), detail:

Discretionary:			
40.00 Appropriation	171	167	91
Spending authority from offsetting collections:			
58.00 Offsetting collections (cash)	41	9	9
58.10 Change in uncollected customer payments from Federal sources (unexpired)	-3		
58.90 Spending authority from offsetting collections (total discretionary)	38	9	9
70.00 Total new budget authority (gross)	209	176	100

Change in obligated balances:

72.40 Obligated balance, start of year	-6	31	27
73.10 Total new obligations	219	184	112
73.20 Total outlays (gross)	-185	-188	-131
74.00 Change in uncollected customer payments from Fed- eral sources (unexpired)	3		
74.40 Obligated balance, end of year	31	27	8

Outlays (gross), detail:

86.90 Outlays from new discretionary authority	36	105	60
86.93 Outlays from discretionary balances	149	83	71
87.00 Total outlays (gross)	185	188	131

Offsets:

Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-39	-9	-9
88.40 Non-Federal sources	-2		

88.90	Total, offsetting collections (cash)	-41	-9	-9
	Against gross budget authority only:			
88.95	Change in uncollected customer payments from Federal sources (unexpired)	3		
Net budget authority and outlays:				
89.00	Budget authority	171	167	91
90.00	Outlays	144	179	122

This appropriation funds studies to determine the need, engineering feasibility, and economic and environmental return to the Nation, of potential solutions to water and related land resource problems; and funds preconstruction engineering and design, data collection, interagency coordination, and research. Since the Corps civil works program already has a large backlog of ongoing construction work, the Budget limits its funding for the study and design of additional projects and focuses resources on the projects with the best prospects for providing a high net economic or environmental return to the Nation.

Object Classification (in millions of dollars)

Identification code 96-3121-0-1-301	2007 actual	2008 est.	2009 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	57	60	62
11.3	Other than full-time permanent	5	5	6
11.5	Other personnel compensation	1	1	1
11.9	Total personnel compensation	63	66	69
12.1	Civilian personnel benefits	16	17	17
13.0	Benefits for former personnel	1	1	
21.0	Travel and transportation of persons	1	1	
23.1	Rental payments to GSA	1	1	
23.3	Communications, utilities, and miscellaneous	1	1	
24.0	Printing and reproduction	1	1	
25.2	Other services	40	25	
25.3	Purchase of goods and services from Government accounts	43	19	
25.5	Research and development contracts	2	4	
26.0	Supplies and materials	2	2	
31.0	Equipment	1	2	
99.0	Direct obligations	172	140	86
99.0	Reimbursable obligations	47	44	26
99.9	Total new obligations	219	184	112

Employment Summary

Identification code 96-3121-0-1-301	2007 actual	2008 est.	2009 est.	
Direct:				
1001	Civilian full-time equivalent employment	842	850	850

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. (*Energy and Water Development and Related Agencies Appropriations Act, 2008.*)

Program and Financing (in millions of dollars)

Identification code 96-3126-0-1-301	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.03	Permit evaluation	133	135	141
00.05	Enforcement and compliance	11	13	18
00.06	Studies	4	8	8
00.07	Administrative appeals	11	8	8
01.92	Total direct obligations	159	164	175
09.00	Reimbursable program	4	4	4
10.00	Total new obligations	163	168	179
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	13	14	27

22.00	New budget authority (gross)	164	181	181
23.90	Total budgetary resources available for obligation	177	195	208
23.95	Total new obligations	-163	-168	-179
24.40	Unobligated balance carried forward, end of year	14	27	29

New budget authority (gross), detail:

Discretionary:				
40.00	Appropriation	159	180	180
Spending authority from offsetting collections:				
58.00	Offsetting collections (cash)	6	1	1
58.10	Change in uncollected customer payments from Federal sources (unexpired)	-1		
58.90	Spending authority from offsetting collections (total discretionary)	5	1	1
70.00	Total new budget authority (gross)	164	181	181

Change in obligated balances:

72.40	Obligated balance, start of year	4	6	-9
73.10	Total new obligations	163	168	179
73.20	Total outlays (gross)	-162	-183	-181
74.00	Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40	Obligated balance, end of year	6	-9	-11

Outlays (gross), detail:

86.90	Outlays from new discretionary authority	154	172	172
86.93	Outlays from discretionary balances	8	11	9
87.00	Total outlays (gross)	162	183	181

Offsets:

Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Federal sources	-5	-1	-1
88.40	Non-Federal sources	-1		
88.90	Total, offsetting collections (cash)	-6	-1	-1
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	1		

Net budget authority and outlays:

89.00	Budget authority	159	180	180
90.00	Outlays	156	182	180

This appropriation provides funds to administer the laws pertaining to the regulation of activities affecting U.S. waters including wetlands, in accordance with the Rivers and Harbors Appropriation Act of 1899, the Clean Water Act of 1972, and the Marine Protection, Research and Sanctuaries Act of 1972.

The requested funds are needed to review and process permit applications, ensure compliance on permitted sites, protect important aquatic resources, and support watershed planning efforts in sensitive environmental areas in cooperation with States and local communities.

Object Classification (in millions of dollars)

Identification code 96-3126-0-1-301	2007 actual	2008 est.	2009 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	90	93	95
11.3	Other than full-time permanent	2	2	2
11.5	Other personnel compensation	1	1	1
11.9	Total personnel compensation	93	96	98
12.1	Civilian personnel benefits	24	25	26
21.0	Travel and transportation of persons	3	3	3
22.0	Transportation of things	2	2	2
23.1	Rental payments to GSA	4	2	2
23.3	Communications, utilities, and miscellaneous	2	2	2
24.0	Printing and reproduction	2	2	2
25.1	Advisory and assistance services	2	2	2
25.2	Other services	8	11	14
25.3	Purchase goods & svcs. fm Government accts.	11	9	11
25.7	Operation and maintenance of equipment	2	4	7
26.0	Supplies and materials	2	2	2

REGULATORY PROGRAM—Continued

Object Classification (in millions of dollars)—Continued

Identification code 96-3126-0-1-301	2007 actual	2008 est.	2009 est.
31.0 Equipment	2	2	2
32.0 Land and structures	2	2	2
99.0 Direct obligations	159	164	175
99.0 Reimbursable obligations	4	4	4
99.9 Total new obligations	163	168	179

Employment Summary

Identification code 96-3126-0-1-301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	1,374	1,400	1,400

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]** *\$130,000,000*, to remain available until expended. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3130-0-1-053	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 Direct program activity	139	140	130
09.01 Reimbursable program	2		
10.00 Total new obligations	141	140	130
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	5	5	5
22.00 New budget authority (gross)	141	140	130
23.90 Total budgetary resources available for obligation	146	145	135
23.95 Total new obligations	-141	-140	-130
24.40 Unobligated balance carried forward, end of year	5	5	5
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	140	140	130
58.00 Spending authority from offsetting collections: Offsetting collections (cash)	1		
70.00 Total new budget authority (gross)	141	140	130
Change in obligated balances:			
72.40 Obligated balance, start of year	36	49	49
73.10 Total new obligations	141	140	130
73.20 Total outlays (gross)	-128	-140	-134
74.40 Obligated balance, end of year	49	49	45
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	87	84	78
86.93 Outlays from discretionary balances	41	56	56
87.00 Total outlays (gross)	128	140	134
Offsets:			
Against gross budget authority and outlays:			
88.00 Offsetting collections (cash) from: Federal sources	-1		
Net budget authority and outlays:			
89.00 Budget authority	140	140	130
90.00 Outlays	127	140	134

This appropriation funds the cleanup of certain low-level radioactive materials and mixed wastes, located mostly at sites contaminated as a result of the Nation's early efforts to develop atomic weapons.

Object Classification (in millions of dollars)

Identification code 96-3130-0-1-053	2007 actual	2008 est.	2009 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	10	8	10
12.1 Civilian personnel benefits	3	2	3
25.2 Other services	98	104	100
25.3 Other purchases of goods and services from Government accounts	23	18	9
32.0 Land and structures	6	8	8
99.0 Direct obligations	140	140	130
99.0 Reimbursable obligations	1		
99.9 Total new obligations	141	140	130

Employment Summary

Identification code 96-3130-0-1-053	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	103	100	100

EXPENSES

For expenses necessary for the supervision and general administration [and related] of the civil works [functions] program in the headquarters of the [United States Army] Corps [of Engineers,] and the offices of the Division Engineers[,]; and for the management and operation of 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]** *\$177,000,000*, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation [provided] in this title [I of this Act] shall be available to fund the [civil works] above activities [of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices] : Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)

Program and Financing (in millions of dollars)

Identification code 96-3124-0-1-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
Executive direction and management:			
00.01 Office, Chief of Engineers	65	72	74
00.02 Division offices	70	72	72
00.04 ULA		3	3
00.05 ACE-IT		3	2
00.09 Humphreys Engineer Center support activity	14	7	7
00.10 ERDC		1	1
00.11 Institute for Water Resources	4	4	4
00.12 USACE finance center	1	1	1
00.13 GE program accounts	14	12	13
09.00 Reimbursable program	16		
10.00 Total new obligations	184	175	177
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	4	6	6
22.00 New budget authority (gross)	186	175	177
23.90 Total budgetary resources available for obligation	190	181	183
23.95 Total new obligations	-184	-175	-177
24.40 Unobligated balance carried forward, end of year (Internal Corps MIPRs)	6	6	6
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	167	175	177
Spending authority from offsetting collections:			
58.00 Offsetting collections (cash)	16		
58.10 Change in uncollected customer payments from Federal sources (unexpired)	3		

58.90	Spending authority from offsetting collections (total discretionary)	19		
70.00	Total new budget authority (gross)	186	175	177
Change in obligated balances:				
72.40	Obligated balance, start of year	33	40	45
73.10	Total new obligations	184	175	177
73.20	Total outlays (gross)	-174	-170	-177
74.00	Change in uncollected customer payments from Federal sources (unexpired)	-3		
74.40	Obligated balance, end of year	40	45	45
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	19	140	142
86.93	Outlays from discretionary balances	155	30	35
87.00	Total outlays (gross)	174	170	177
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources Against gross budget authority only:	-16		
88.95	Change in uncollected customer payments from Federal sources (unexpired)	-3		
Net budget authority and outlays:				
89.00	Budget authority	167	175	177
90.00	Outlays	158	170	177

The Expenses appropriation funds the command and control, policy and guidance, program management, national and regional coordination, and quality assurance for the civil works program. These activities are carried out by the headquarters, eight divisions and six supporting field offices of the Corps of Engineers. The Expenses program provides administration of the following Corps offices and facilities:

Headquarters (HQ).— This office provides executive direction and management for the civil works program.

Offices of the Division of Engineers.— These eight division offices supervise work in 38 district offices.

Humphreys Engineer Center Support Activity (HECSA).— This support center provides administrative services, such as personnel, logistics, information management and finances and accounting for the Office of the Chief of Engineers and other separate field operating activities.

Institute for Water Resources (IWR).— This institute performs studies and analyses and develops planning techniques for the management, development and restoration of water resources.

Engineering Research and Development Center (ERDC).— This center manages all research and development for the civil works program.

Object Classification (in millions of dollars)

Identification code 96-3124-0-1-301	2007 actual	2008 est.	2009 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	82	93	98
11.3	Other than full-time permanent	5	5	6
11.5	Other personnel compensation	1	1	1
11.9	Total personnel compensation	88	99	105
12.1	Civilian personnel benefits	15	19	16
12.1	Accrued retirement	3	1	3
13.0	Benefits for former personnel	1	1	1
21.0	Travel and transportation of persons	19	6	10
23.1	Rental payments to GSA	6	6	6
23.2	Rental payments to others	1	1	1
23.3	Communications, utilities, and miscellaneous	5	3	6
24.0	Printing and reproduction	2	1	3
25.2	Other services	16	17	12
25.3	Purchase goods & svcs. fm Government accts.	6	17	6
26.0	Supplies and materials	3	2	4
31.0	Equipment	3	2	4
99.0	Direct obligations	168	175	177
99.0	Reimbursable obligations	16		

99.9	Total new obligations	184	175	177
Employment Summary				
Identification code 96-3124-0-1-301		2007 actual	2008 est.	2009 est.
Direct:				
1001	Civilian full-time equivalent employment	876	872	872

PAYMENT TO SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Program and Financing (in millions of dollars)

Identification code 96-3129-0-1-306	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.01	Payment to SD Terrestrial Wildlife Habitat Restoration Trust Fund	10	10	10
10.00	Total new obligations (object class 25.2)	10	10	10
Budgetary resources available for obligation:				
22.00	New budget authority (gross)	10	10	10
23.95	Total new obligations	-10	-10	-10
New budget authority (gross), detail:				
Mandatory:				
60.00	Appropriation	10	10	10
Change in obligated balances:				
73.10	Total new obligations	10	10	10
73.20	Total outlays (gross)	-10	-10	-10
Outlays (gross), detail:				
86.97	Outlays from new mandatory authority	10	10	10
Net budget authority and outlays:				
89.00	Budget authority	10	10	10
90.00	Outlays	10	10	10

This fund makes payments to the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund, established by the Water Resources Development Act of 1999 (P.L. 106-53). This fund will no longer receive funds from the General Fund after 2009, pursuant to the 1999 Water Resources Development Act.

WASHINGTON AQUEDUCT

Program and Financing (in millions of dollars)

Identification code 96-3128-0-1-301	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.01	Direct program activity	1	1	
10.00	Total new obligations (object class 25.2)	1	1	
Budgetary resources available for obligation:				
22.00	New budget authority (gross)	1		
22.60	Portion applied to repay debt	-1	1	1
23.90	Total budgetary resources available for obligation		1	1
23.95	Total new obligations	-1	-1	
New budget authority (gross), detail:				
Mandatory:				
Spending authority from offsetting collections:				
69.00	Offsetting collections (cash)	2	1	1
69.47	Portion applied to repay debt	-1	-1	-1
69.90	Spending authority from offsetting collections (total mandatory)	1		
Change in obligated balances:				
73.10	Total new obligations	1	1	
73.20	Total outlays (gross)	-1		

WASHINGTON AQUEDUCT—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3128-0-1-301	2007 actual	2008 est.	2009 est.
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	1		
Offsets:			
Against gross budget authority and outlays:			
88.40 Offsetting collections (cash) from: Non-Federal sources	-2	-1	-1
Net budget authority and outlays:			
89.00 Budget authority	-1	-1	-1
90.00 Outlays	-1	-1	-1

The Washington Aqueduct supplies drinking water to customers in three jurisdictions: the District of Columbia; Arlington County, Virginia; and the city of Falls Church, Virginia. Although the Aqueduct is owned and operated by the Corps, the customers finance the operation, maintenance, and capital improvement of Aqueduct facilities. Under current law, the Aqueduct's customers are required to pay the full cost of making capital improvements at the Aqueduct in advance.

PERMANENT APPROPRIATIONS

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-9921-0-2-999	2007 actual	2008 est.	2009 est.
01.00 Balance, start of year	20	27	35
01.99 Balance, start of year	20	27	35
Receipts:			
02.20 Receipts from Leases of Lands Acquired for Flood Control, Navigation, and Allied Purposes	11	9	9
02.60 Licenses under Federal Power Act, Improvements of Navigable Waters, Maintenance and Operation of Dams, Etc.	13	8	8
02.99 Total receipts and collections	24	17	17
04.00 Total: Balances and collections	44	44	52
Appropriations:			
05.00 Permanent Appropriations	-17	-9	-9
07.99 Balance, end of year	27	35	43

Program and Financing (in millions of dollars)

Identification code 96-9921-0-2-999	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.02 Maintenance and operation of dams and other improvements of navigable waters	16	9	9
10.00 Total new obligations	16	9	9
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	5	6	6
22.00 New budget authority (gross)	17	9	9
23.90 Total budgetary resources available for obligation	22	15	15
23.95 Total new obligations	-16	-9	-9
24.40 Unobligated balance carried forward, end of year	6	6	6
New budget authority (gross), detail:			
Mandatory:			
60.20 Appropriation (special fund)	17	9	9
Change in obligated balances:			
72.40 Obligated balance, start of year		3	3
73.10 Total new obligations	16	9	9
73.20 Total outlays (gross)	-13	-9	-9
74.40 Obligated balance, end of year	3	3	3

Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	13	9	9
Net budget authority and outlays:			
89.00 Budget authority	17	9	9
90.00 Outlays	13	9	9

This account covers the following three permanent appropriations:

Hydraulic mining debris reservoir.—The Corps uses fees collected from Pacific Gas and Electric Company to help maintain the Englebright Dam, Yuba River, California, mine debris restraining works and associated hydropower generation facilities. (33 U.S.C. 683)

Maintenance and operation of dams and other improvements of navigable waters.—The Corps uses its share of certain fees levied by the Federal Energy Regulatory Commission (on the private use of Federal property, including facilities and land; private construction and operation of water management and appurtenant facilities; and private benefit from headwater improvement by others) for construction, operation, and maintenance of Federal water management facilities. (16 U.S.C. 810(a))

Payments to States.—In lieu of taxes, the Corps pays to States three-fourths of the rent received from the lease of Federal lands acquired for flood control, navigation, and allied purposes. (33 U.S.C. 701c-3)

Object Classification (in millions of dollars)

Identification code 96-9921-0-2-999	2007 actual	2008 est.	2009 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	1	2	2
41.0 Grants, subsidies, and contributions	11	3	3
99.0 Direct obligations	12	5	5
99.5 Below reporting threshold	4	4	4
99.9 Total new obligations	16	9	9

Employment Summary

Identification code 96-9921-0-2-999	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	16	20	20

REVOLVING FUND

Program and Financing (in millions of dollars)

Identification code 96-4902-0-4-301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
09.01 Plant and equipment services	1,112	1,023	1,098
09.02 Warehousing (GPRA)	4	13	14
09.03 Shop and facility services	2,812	3,324	3,570
09.04 General administrative services	2,509	2,383	2,559
09.09 Total operating expenses	6,437	6,743	7,241
09.20 Land and structures	9	19	5
09.21 Dredges	22	58	38
09.22 Other floating plant	9	29	33
09.23 Land-based equipment	20	9	17
09.24 Tools, office furniture, and equipment	12	20	2
09.29 Total capital investment:	72	135	95
10.00 Total new obligations	6,509	6,878	7,336
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	164	255	2,120
22.00 New budget authority (gross)	6,500	8,743	8,743
23.90 Total budgetary resources available for obligation	6,764	8,998	10,863
23.95 Total new obligations	-6,509	-6,878	-7,336
24.40 Unobligated balance carried forward, end of year	255	2,120	3,527

New budget authority (gross), detail:				
Mandatory:				
Spending authority from offsetting collections:				
69.00	Offsetting collections (cash)	6,585	8,743	8,743
69.10	Change in uncollected customer payments from Federal sources (unexpired)	15		
69.90	Spending authority from offsetting collections (total mandatory)	6,600	8,743	8,743
Change in obligated balances:				
72.40	Obligated balance, start of year	927	924	-941
73.10	Total new obligations	6,509	6,878	7,336
73.20	Total outlays (gross)	-6,497	-8,743	-8,743
74.00	Change in uncollected customer payments from Federal sources (unexpired)	-15		
74.40	Obligated balance, end of year	924	-941	-2,348
Outlays (gross), detail:				
86.97	Outlays from new mandatory authority	6,497	8,743	8,743
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Federal sources	-6,564	-8,743	-8,743
88.40	Non-Federal sources	-21		
88.90	Total, offsetting collections (cash)	-6,585	-8,743	-8,743
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	-15		
Net budget authority and outlays:				
89.00	Budget authority			
90.00	Outlays	-88		

This revolving fund provides for the acquisition, operation, and maintenance of plant and equipment used by the civil works program and for temporary financing of services chargeable to the civil works program. The fund also initially finances district operating expenses which the districts later reimburse with project-specific funds. In addition, payments are made into the fund when other agencies or entities use plant and equipment acquired by the fund.

Object Classification (in millions of dollars)

Identification code 96-4902-0-4-301	2007 actual	2008 est.	2009 est.	
Reimbursable obligations:				
21.0	Travel and transportation of persons	27	27	27
22.0	Transportation of things	2	2	2
23.1	Rental payments to GSA	15	15	15
23.2	Rental payments to others	2	2	2
23.3	Communications, utilities, and miscellaneous charges	34	37	37
24.0	Printing and reproduction	17	17	17
25.1	Advisory and assistance services	1	1	1
25.2	Other services	4,502	4,303	4,761
25.3	Other purchases of goods and services from Government accounts	640	797	797
25.7	Operation and maintenance of equipment	233	349	349
26.0	Supplies and materials	525	578	578
31.0	Equipment	266	388	388
32.0	Land and structures	241	358	358
42.0	Insurance claims and indemnities	2	2	2
44.0	Refunds	2	2	2
99.9	Total new obligations	6,509	6,878	7,336

Trust Funds

HARBOR MAINTENANCE TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8863-0-7-301	2007 actual	2008 est.	2009 est.	
01.00	Balance, start of year	3,234	3,751	4,494
01.99	Balance, start of year	3,234	3,751	4,494
Receipts:				
02.00	Earnings on Investments, Harbor Maintenance Trust Fund	165	213	232

02.60	User Fees, Harbor Maintenance Trust Fund	1,262	1,353	1,446
02.99	Total receipts and collections	1,427	1,566	1,678
04.00	Total: Balances and collections	4,661	5,317	6,172
Appropriations:				
05.00	Salaries and Expenses, Customs and Border Protection	-3	-3	-3
05.01	Operations and Maintenance	-16	-17	-32
05.02	Harbor Maintenance Trust Fund	-891	-742	-730
05.03	Harbor Maintenance Trust Fund		-61	
05.99	Total appropriations	-910	-823	-765
07.99	Balance, end of year	3,751	4,494	5,407

Program and Financing (in millions of dollars)

Identification code 96-8863-0-7-301	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.01	Direct program activity	891	794	730
00.02	Dredged material disposal facilities		9	
10.00	Total new obligations	891	803	730
Budgetary resources available for obligation:				
22.00	New budget authority (gross)	891	803	730
23.95	Total new obligations	-891	-803	-730
New budget authority (gross), detail:				
Discretionary:				
40.26	Appropriation (Operation And Maintenance)	891	742	730
40.26	Appropriation (Construction)		61	
43.00	Appropriation (total discretionary)	891	803	730
Change in obligated balances:				
73.10	Total new obligations	891	803	730
73.20	Total outlays (gross)	-891	-803	-730
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	891	803	730
Net budget authority and outlays:				
89.00	Budget authority	891	803	730
90.00	Outlays	891	803	730
Memorandum (non-add) entries:				
92.01	Total investments, start of year: Federal securities: Par value	3,164	3,715	4,105
92.02	Total investments, end of year: Federal securities: Par value	3,715	4,105	4,105

The Harbor Maintenance Trust Fund is authorized under the Harbor Maintenance Revenue Act of 1986 (P.L. 99-662, Title XIV), as amended. Revenue is derived from receipts from a 0.125 percent ad valorem tax imposed upon commercial users of specified U.S. ports, Saint Lawrence Seaway tolls, and investment interest. The Budget shows all activity related to the Harbor Maintenance Trust Fund as occurring within the Operation and Maintenance account.

The Harbor Maintenance Revenue Act authorized expenditures from this fund to finance up to 100 percent of Corps harbor operation and maintenance costs, including the operation and maintenance of Great Lakes navigation projects. The fund fully finances the operation and maintenance of the Saint Lawrence Seaway Development Corporation. Section 201 of Public Law 104-303 authorized the fund to pay the Federal share of the costs for the construction of dredged material disposal facilities that are necessary for the operation and maintenance of coastal or inland harbors, the dredging and disposal of contaminated sediments that are in or affect the operation and maintenance of Federal navigation channels, the mitigation of impacts resulting from Federal navigation operation and maintenance activities, and the operation and maintenance of dredged material disposal facilities for which fees have been collected and deposited in the fund.

HARBOR MAINTENANCE TRUST FUND—Continued

The North American Free Trade Agreement Implementation Act (P.L. 103–182, section 683) authorized payment from the fund of administrative expenses incurred by the Department of the Treasury, the Corps, and the Department of Commerce related to administration of the harbor maintenance tax, but not to exceed \$5 million in any fiscal year.

A 1995 United States Court of International Trade decision, *United States Shoe Corp. v. United States* (Case No. 94–11–00668), found the harbor maintenance tax unconstitutional under the export clause of the Constitution (Article I, section 9, clause 5), and enjoined the Customs Service from collecting the tax on exports. The Supreme Court affirmed that decision on March 31, 1998.

Object Classification (in millions of dollars)

Identification code 96–8863–0–7–301	2007 actual	2008 est.	2009 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	195	190	
12.1 Civilian personnel benefits	48	49	
21.0 Travel and transportation of persons	10	10	
22.0 Transportation of things	10	10	
23.1 Rental payments to GSA	10	10	
23.2 Rental payments to others	5	5	
23.3 Communications, utilities, and miscellaneous charges	15	15	
25.1 Advisory and assistance services	5	5	
25.2 Other services	184	133	
25.3 Other purchases of goods and services from Government accounts	233	204	
25.4 Operation and maintenance of facilities	17	12	
25.7 Operation and maintenance of equipment	5	5	
26.0 Supplies and materials	15	15	
31.0 Equipment	15	15	
32.0 Land and structures	124	125	
94.0 Financial transfers			730
99.0 Direct obligations	891	803	730
99.9 Total new obligations	891	803	730

Employment Summary

Identification code 96–8863–0–7–301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	3,000	3,000	

INLAND WATERWAYS TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 20–8861–0–7–301	2007 actual	2008 est.	2009 est.
01.00 Balance, start of year	237	138	17
01.99 Balance, start of year	237	138	17
Receipts:			
02.00 Interest and Profits on Investments in Public Debt Securities, Inland Waterways Trust Fund	15	6	1
02.60 Transfer from General Fund, Inland Waterways Revenue Act Taxes	91	89	90
02.61 Transfer from General Fund, Inland Waterways Revenue Act Taxes—legislative proposal subject to PAYGO			–41
02.62 Users Fees, Inland Waterways Trust Fund—legislative proposal subject to PAYGO			140
02.99 Total receipts and collections	106	95	190
04.00 Total: Balances and collections	343	233	207
Appropriations:			
05.00 Inland Waterways Trust Fund	–205	–216	–157
05.01 Inland Waterways Trust Fund			–10
05.99 Total appropriations	–205	–216	–167
07.99 Balance, end of year	138	17	40

Program and Financing (in millions of dollars)

Identification code 20–8861–0–7–301	2007 actual	2008 est.	2009 est.
Obligations by program activity:			
00.01 Direct program activity	198	216	167
10.00 Total new obligations	198	216	167
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	3	10	10
22.00 New budget authority (gross)	205	216	167
23.90 Total budgetary resources available for obligation	208	226	177
23.95 Total new obligations	–198	–216	–167
24.40 Unobligated balance carried forward, end of year	10	10	10
New budget authority (gross), detail:			
Discretionary:			
40.26 Appropriation (Construction)	205	216	157
40.26 Appropriation (Operation & Maintenance)			10
43.00 Appropriation (total discretionary)	205	216	167
Change in obligated balances:			
72.40 Obligated balance, start of year	26	64	65
73.10 Total new obligations	198	216	167
73.20 Total outlays (gross)	–160	–215	–199
74.40 Obligated balance, end of year	64	65	33
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	132	184	167
86.93 Outlays from discretionary balances	28	31	32
87.00 Total outlays (gross)	160	215	199
Net budget authority and outlays:			
89.00 Budget authority	205	216	167
90.00 Outlays	160	215	199
Memorandum (non-add) entries:			
Total investments, start of year: Federal securities:			
92.01 Par value	261	205	92
Total investments, end of year: Federal securities:			
92.02 Par value	205	92	83

The Inland Waterways Trust Fund is authorized under the Inland Waterways Revenue Act of 1978 (P.L. 95–502), as amended by the Water Resources Development Act of 1986 (P.L. 99–662).

Revenue currently is derived from taxes imposed on fuel for commercial vessels engaged in inland waterways transportation, plus investment interest. The Administration has proposed creation of an alternative funding source to the fuel tax. It would consist of a fee imposed on commercial barges using locks operated by the United States Army Corps of Engineers. The fee would be phased in beginning October 1, 2008, with increases each year through December 31, 2012. Automatic adjustments to the fee would be made annually beginning in 2013, based on the total net assets in the Trust Fund.

The Budget shows all activity related to the Inland Waterways Trust Fund as occurring within the Construction, Operation and Maintenance, and Mississippi River and Tributaries accounts.

The fund is used to pay one half of the costs associated with the construction, replacement, expansion, and rehabilitation of Federal inland waterways projects.

Object Classification (in millions of dollars)

Identification code 20–8861–0–7–301	2007 actual	2008 est.	2009 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	8	8	
12.1 Civilian personnel benefits	2	2	
21.0 Travel and transportation of persons	2	5	
23.1 Rental payments to GSA	2	5	
23.3 Communications, utilities, and miscellaneous charges	2	5	

24.0	Printing and reproduction	2	5	.....
25.1	Advisory and assistance services	15	13	.....
25.2	Other services	124	120	.....
25.3	Other purchases of goods and services from Govern- ment accounts	5	10	.....
25.5	Research and development contracts	2	5	.....
26.0	Supplies and materials	3	5	.....
31.0	Equipment	3	5	.....
32.0	Land and structures	28	28	.....
94.0	Financial transfers (Construction)			157
94.0	Financial transfers (O & M)			10
99.0	Direct obligations	198	216	167
99.9	Total new obligations	198	216	167

Employment Summary

Identification code 20-8861-0-7-301	2007 actual	2008 est.	2009 est.	
Direct:				
1001	Civilian full-time equivalent employment	113	115

RIVERS AND HARBORS CONTRIBUTED FUNDS
Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8862-0-7-301	2007 actual	2008 est.	2009 est.	
01.99	Balance, start of year .....			.....
Receipts:				
02.20	Contributions, Rivers and Harbors, Other Than Port and Harbor User Fees	396	400	400
04.00	Total: Balances and collections	396	400	400
Appropriations:				
05.00	Rivers and Harbors Contributed Funds	-396	-400	-400
07.99	Balance, end of year .....			.....

Program and Financing (in millions of dollars)

Identification code 96-8862-0-7-301	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.01	Where required for an authorized Federal project	28	22	22
00.02	Where not required for an authorized Federal project Construction General:	5	7	7
00.03	Where required for an authorized Federal project	246	310	310
00.04	Direct program activity	1	13	13
Operations and Maintenance:				
00.05	Where required for an authorized Federal project	52	33	33
00.06	Direct program activity	6	2	2
Flood Control, Mississippi River & Tributaries:				
00.07	Where required for an authorized Federal project	32	43	43
00.08	Where not required for an authorized Federal project	3	4	4
Coastal Wetlands Restoration:				
00.09	Where required for an authorized Federal Project:	3	7	7
10.00	Total new obligations	376	441	441
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	328	348	307
22.00	New budget authority (gross)	396	400	400
23.90	Total budgetary resources available for obligation	724	748	707
23.95	Total new obligations	-376	-441	-441
24.40	Unobligated balance carried forward, end of year	348	307	266
New budget authority (gross), detail:				
Mandatory:				
60.26	Appropriation (trust fund)	396	400	400
Change in obligated balances:				
72.40	Obligated balance, start of year	176	214	255
73.10	Total new obligations	376	441	441
73.20	Total outlays (gross)	-338	-400	-400
74.40	Obligated balance, end of year	214	255	296
Outlays (gross), detail:				
86.97	Outlays from new mandatory authority		4	4
86.98	Outlays from mandatory balances	338	396	396

87.00	Total outlays (gross)	338	400	400
Net budget authority and outlays:				
89.00	Budget authority	396	400	400
90.00	Outlays	338	400	400

Funds are contributed by non-Federal interests for use on improvements of rivers and harbors. This includes cost-sharing contributions for the study, design, construction, and operation and maintenance of authorized Federal projects, as well as contributions of 100 percent of the costs of certain other work.

Object Classification (in millions of dollars)

Identification code 96-8862-0-7-301	2007 actual	2008 est.	2009 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	28	29	30
11.5	Other personnel compensation	1	1	1
11.9	Total personnel compensation	29	30	31
12.1	Civilian personnel benefits	8	8	8
21.0	Travel and transportation of persons	1	1	1
23.1	Rental payments to GSA	1	1	1
23.3	Communications, utilities, and miscellaneous charges	1	1	1
25.1	Advisory and assistance services	1	1	1
25.2	Other services	54	53	52
25.3	Other purchases of goods and services from Govern- ment accounts	25	25	25
25.4	Operation and maintenance of facilities	1	1	1
26.0	Supplies and materials	45	45	45
32.0	Land and structures	210	275	275
99.9	Total new obligations	376	441	441

Employment Summary

Identification code 96-8862-0-7-301	2007 actual	2008 est.	2009 est.	
Direct:				
1001	Civilian full-time equivalent employment	467	470	470

COASTAL WETLANDS RESTORATION TRUST FUND

(Budget authority in millions of dollars)

	2007 actual	2008 est.	2009 est.
Corps of Engineers	7.9	10.0	12.0
Environmental Protection Agency	7.8	12.0	12.0
Fish & Wildlife Service	15.8	10.0	14.0
National Marine Fisheries Service	10.3	22.0	23.3
Natural Resources Conservation Service	14.5	22.0	22
Undistributed balance	20.1	5.3	1.0
Subtotal	76.4	81.3	84.3
Rivers and harbors contributed funds (mandatory)	1.9	4.0	4.0
Total program	78.3	85.3	88.3

COASTAL WETLANDS RESTORATION TRUST FUND**Program and Financing** (in millions of dollars)

Identification code 96-8333-0-7-301	2007 actual	2008 est.	2009 est.	
Obligations by program activity:				
00.01	Direct program activity	48	65	65
10.00	Total new obligations	48	65	65
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year	124	152	175
22.00	New budget authority (gross)	76	88	84
23.90	Total budgetary resources available for obligation	200	240	259
23.95	Total new obligations	-48	-65	-65
24.40	Unobligated balance carried forward, end of year	152	175	194

COASTAL WETLANDS RESTORATION TRUST FUND—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-8333-0-7-301	2007 actual	2008 est.	2009 est.
New budget authority (gross), detail:			
Mandatory:			
62.00 Transferred from other accounts	76	88	84
Change in obligated balances:			
72.40 Obligated balance, start of year	270	255	211
73.10 Total new obligations	48	65	65
73.20 Total outlays (gross)	-63	-109	-110
74.40 Obligated balance, end of year	255	211	166
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority		62	59
86.98 Outlays from mandatory balances	63	47	51
87.00 Total outlays (gross)	63	109	110
Net budget authority and outlays:			
89.00 Budget authority	76	88	84
90.00 Outlays	63	109	110

The Coastal Wetlands Planning, Protection and Restoration Act (P.L. 101-646, Title III, as amended) directs the Secretary of the Interior to distribute to the Coastal Wetlands Restoration Trust Fund a portion of the amounts appropriated each fiscal year from the Sport Fish Restoration Account. The Louisiana Coastal Wetlands Conservation and Restoration Task Force, an interagency task force (consisting of the Corps, Environmental Protection Agency, Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service, and the State of Louisiana) uses these funds to plan, set priorities, and carry out projects for the creation, protection, and restoration of coastal wetlands in the State of Louisiana.

Object Classification (in millions of dollars)

Identification code 96-8333-0-7-301	2007 actual	2008 est.	2009 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	1	1	1
25.2 Other services	9	9	9
25.3 Other purchases of goods and services from Government accounts	38	55	55
99.9 Total new obligations	48	65	65

Employment Summary

Identification code 96-8333-0-7-301	2007 actual	2008 est.	2009 est.
Direct:			
1001 Civilian full-time equivalent employment	15	20	20

SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8217-0-7-306	2007 actual	2008 est.	2009 est.
01.00 Balance, start of year	70	84	100
01.99 Balance, start of year	70	84	100
Receipts:			
02.00 Payment from the General Fund, South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund	10	10	10
02.01 Earnings on Investments, South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund	4	6	7
02.99 Total receipts and collections	14	16	17
04.00 Total: Balances and collections	84	100	117

Appropriations:			
05.00 South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund	-10	-10	-10
05.01 South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund	10	10	10
05.99 Total appropriations			
07.99 Balance, end of year	84	100	117

Program and Financing (in millions of dollars)

Identification code 96-8217-0-7-306	2007 actual	2008 est.	2009 est.
New budget authority (gross), detail:			
Mandatory:			
60.26 Appropriation (trust fund)	10	10	10
60.45 Portion precluded from obligation	-10	-10	-10
62.50 Appropriation (total mandatory)			
Net budget authority and outlays:			
89.00 Budget authority			
90.00 Outlays			
Memorandum (non-add) entries:			
92.01 Total investments, start of year: Federal securities: Par value	89	103	80
92.02 Total investments, end of year: Federal securities: Par value	103	80	80

This fund, authorized in the Water Resources Development Act of 1999 (P.L. 106-53), supports wildlife habitat restoration efforts undertaken by the State of South Dakota. The establishment of this fund satisfies the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 1661 et seq.) to mitigate for the loss of habitat due to flooding from the Oahe and Big Bend projects, which the Corps constructed under the Pick-Sloan Missouri River Basin program.

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] *The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)*

GENERAL FUND RECEIPT ACCOUNTS

(in millions of dollars)

	2007 actual	2008 est.	2009 est.
Offsetting receipts from the public:			
96-143500 General Fund Proprietary Interest Receipts, not Otherwise Classified	18	21	21
96-322000 All Other General Fund Proprietary Receipts Including Budget Clearing Accounts	43	31	31
General Fund Offsetting receipts from the public	61	52	52
Intragovernmental payments:			
96-388500 Undistributed Intragovernmental Payments and Receivables from Cancelled Accounts		12	12
General Fund Intragovernmental payments		12	12

ALLOCATIONS RECEIVED FROM OTHER ACCOUNTS

Note.—Obligations incurred under allocations from other accounts are shown in the schedules of the parent appropriation as follows:
State and Private Forestry, Forest Service, Department of Agriculture.
Construction, National Park Service, Department of the Interior.
Federal Aid to Highways, Miscellaneous Studies, Reports, and Projects; Federal Highway Administration, Department of Transportation.

Bonneville Power Administration Fund (Power Marketing Administration), Department of Energy.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in *this* 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] notice is [received from] transmitted to the House and Senate Committees on Appropriations;

(4) [proposes to use] uses funds directed for a specific program, project, or activity by [either the House or the Senate Committees on Appropriations] *this Act* for a different purpose, unless prior [approval] notice is [received from] transmitted to 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] notice is [received from] transmitted to the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level [over] of \$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] for ongoing contracts and concomitant administrative expenses on any project or activity that did not receive an appropriation [for existing obligations and concomitant administrative expenses];

(7) CONSTRUCTION.—For a base level [over] of \$2,000,000 or more, 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] per project to settle contractor claims, address changed conditions, or satisfy real estate deficiency judgments; *Provided further*, That up to \$300,000 may be reprogrammed [into any continuing study] for ongoing contract and concomitant administrative expenses on any project 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] For a base level [over] of \$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] ongoing work on a project that did not receive an appropriation: *Provided further*, That unlimited reprogramming authority is granted to respond to a flood, hurricane, or other natural disaster or to address any imminent risk to the public health and safety from a civil works project owned or operated by the Corps;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines [for] listed in subsections 6 through 8 above apply to 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 or modify any [continuing] contract [or make modifications to any existing continuing contract that commits] to commit 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.]

(a) *Effective October 1, 2008, section 10 of the Rivers and Harbors Appropriation Act of 1922, ch. 427; section 206 of Public Law 106-53; and section 107 of Public Law 108-137 are repealed.*

(b) *Effective October 1, 2008, section 2306c of title 10, U.S.C., is amended by —*

(1) striking “Subject” in subsection (a) and inserting “Except as provided in subsection (i) and subject”;

(2) inserting the following new subsection (b)(6):

“(6) Services associated with the civil works program of the Army Corps of Engineers.”;

(3) inserting in subsections (d)(1), (d)(3), (d)(4), and (d)(5) “or civil works program” after “congressional”;

(4) inserting in subsection (d)(2) “(or, in the case of the civil works program of the Army Corps of Engineers, \$100,000,000)” after “\$500,000,000”;

(5) inserting in subsection (d)(4) “(or, in the case of the civil works program of the Army Corps of Engineers, \$20,000,000)” after “\$100,000,000”; and

(6) inserting the following new subsection (i):

“(i) Army Corps of Engineers Civil Works Program. —

(1) The Secretary of the Army shall take all necessary steps to ensure that the Army Corps of Engineers civil works program:

(A) limits the duration of each multiyear contract to the term needed to achieve a substantial reduction of costs on the margin; and

(B) limits the amount of work performed each fiscal year on each project to the funds that are available for that project during that year.

(2) A multiyear contract made in connection with the civil works program of the Army Corps of Engineers —

(A) shall not be subject to subsections (a)(2) and (c)(3) of this section; and

(B) notwithstanding the time period referenced in subsections (a) and (f) of this section, may cover a period of more than five years if the Secretary of the Army determines that such a longer period is necessary to comply with the terms of subsection (i)(1)(A) of this section with regard to a specific contract, and notifies the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives in writing, with the rationale for that determination and the length of the contract term, at least 30 days in advance of the award of the proposed contract.”

[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

CORPS OF ENGINEERS—CIVIL—Continued

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 collaborative 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 sub-account 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.】

SEC. 104. HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECT, NEW ORLEANS, LOUISIANA.

CORPS OF ENGINEERS—CIVIL—Continued

(a) In General, The Secretary of the Army is authorized to implement as a single project, with such modifications as the Secretary determines appropriate, at an additional cost of \$6,294,000,000, with an estimated Federal cost of \$4,767,000,000 and an estimated non-Federal cost of \$1,527,000,000. This project shall consist of:

(i) Completion of repair and restoration and construction, as provided under the heading FLOOD CONTROL AND COASTAL EMERGENCIES in title I, chapter 3 of Division B of Public Law 109-148, for the West Bank and Vicinity project, authorized by section 401(b) of the Water Resources Development Act of 1986, as amended, and the Lake Pontchartrain and Vicinity project, authorized by section 204 of the Flood Control Act of 1965, as amended;

(ii) Completion of levee raises and other enhancements to the West Bank and Vicinity project and Lake Pontchartrain and Vicinity project, initiated pursuant to the authority provided under the heading CONSTRUCTION in title II, chapter 3 of Public Law 109-234, to provide the level of protection necessary to achieve certification required for participation in the National Flood Insurance Program on the date of enactment of this Act;

(iii) Completion of work as described under the heading FLOOD CONTROL AND COASTAL EMERGENCIES in title II, chapter 3, of Public Law 109-234 to —

(aa) Modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lake-front;

(bb) Armor critical elements of the New Orleans hurricane and storm damage reduction system;

(cc) Improve protection at the Inner Harbor Navigation Canal; and

(dd) Reinforce or replace flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity and West Bank and Vicinity projects to improve performance; and

(iv) Completion of measures, authorized by section 108 of the Energy and Water Resources Development Appropriations Act, 1996, and section 533 of the Water Resources Development Act of 1996, as amended, as part of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability.

(b) Cost Sharing and Non-Federal Responsibilities.

(i) The cost of construction of any measure for the project that is described in subsection (a)(ii) or (a)(iv) and undertaken with Federal funding appropriated on or after the date of enactment of this Act shall be shared 65 percent Federal and 35 percent non-Federal.

(ii) The cost of construction of any measure for the project that is described in subsection (a)(i) or (a)(iii) shall be at full Federal expense.

(iii) Prior to the obligation of any Federal funds appropriated for this project on or after the date of enactment of this Act, the non-Federal sponsor shall enter into a binding agreement with the Secretary to —

(aa) Operate and maintain the project authorized by this section, the previously authorized West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, and those measures of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects as one system (hereinafter referred as “the system”) and to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the system;

(bb) Pay any remaining non-Federal share of the costs of construction of the system; and

(cc) Hold and save the United States free from damages due to the construction or operation and maintenance of the system, except for damages due to the fault or negligence of the United States or its contractors.

(iv) Upon written notification by the District Engineer to the non-Federal sponsor that construction of the project or a functional portion of the project is complete, the non-Federal sponsor shall commence operation and maintenance of the project or functional portion of the project, respectively. Future measures to restore components of the system to the authorized level of protection for reasons such as subsidence, sea level rise, new datum, or state-of-the art engineering will be considered a cost of construction and cost shared in accordance with paragraph (i) of this subsection if the Secretary determines that the measures are economically justified, environmentally acceptable, and technically sound.

(v) The State of Louisiana, or a single state entity established by the State, shall act as the non-Federal sponsor for any non-Federal cooperation required by this section. With the consent of the State or the single state entity, as applicable, other non-Federal public entities may act as additional non-Federal sponsors as long as the State, or single state entity, remains responsible for providing, or ensuring the provision of, any required non-Federal cooperation.

(vi) Funds provided to the State of Louisiana or coastal political subdivisions pursuant to section 384 of the Energy Policy Act of 2005 (43 U.S.C. 1356a) may be used to satisfy, in whole or part, any non-Federal cost share required by this section.

(c) Savings Clause. Nothing in this section affects authority provided in Public Law 109-148, Public Law 109-234, or Public Law 110-28 as it relates to the Corps of Engineers. (Energy and Water Development and Related Agencies Appropriations Act, 2008.)