

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 [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related purposes.

Federal Funds

General and special funds:

[OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)]

[For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), \$4,000,000.] (*Energy and Water Development Appropriations Act, 2006.*)

Program and Financing (in millions of dollars)

Identification code 96-3132-0-1-054	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Direct program activity	4	4	.....
10.00 Total new obligations	4	4	.....
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	4	4	.....
23.95 Total new obligations	-4	-4	.....
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	4	4	.....
Change in obligated balances:			
72.40 Obligated balance, start of year		1	1
73.10 Total new obligations	4	4	.....
73.20 Total outlays (gross)	-3	-4	.....
74.40 Obligated balance, end of year	1	1	1
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	3	4	.....
Net budget authority and outlays:			
89.00 Budget authority	4	4	.....
90.00 Outlays	3	4	.....

Object Classification (in millions of dollars)

Identification code 96-3132-0-1-054	2005 actual	2006 est.	2007 est.
99.0 Reimbursable obligations: Reimbursable obligations ...	4	4	.....
99.9 Total new obligations	4	4	.....

CONSTRUCTION PROGRAM

(Budget authority in millions of dollars)

	2005 actual	2006 est.	2007 est.
Direct program:			
General fund	1,510	1,988	1,383
Supplementals	63	101	.....
Rescission	-14	-22	.....
Flood Control and Coastal Emergencies Transfer	-35	40	.....
Transfer to Bureau of Indian Affairs			
Harbor Maintenance Trust Fund	10	9	.....
Inland Waterways Trust Fund	137	182	172

Rivers and harbors contributed funds (mandatory)	286	323	323
Total direct program	1,957	2,621	1,878
Reimbursable program	866	648	650
Total program	2,823	3,269	2,528

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; 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); [\$2,372,000,000] \$1,555,000,000, 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 \$35,000,000 is to enable the Corps to implement, in conjunction with the National Park Service, the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; and of which such sums as are necessary [pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund,] to cover one-half of the costs of construction and [rehabilitation] replacement of inland waterways projects shall be derived from the Inland Waterways Trust Fund[, (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; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which \$12,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which \$7,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$40,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$300,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which \$30,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$30,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$5,000,000 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 \$11,250,000 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 \$1,500,000 of the funds provided herein for the Hawaii Water Management Project: *Provided further*, That the Chief of Engineers is directed to use \$13,000,000 of the funds appropriated herein for the navigation project at Kaunalapau Harbor, Hawaii: *Provided further*, That the Chief of Engineers is directed to use \$4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program for seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: *Provided further*, That \$600,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program shall be available for Dover Dam, Ohio: *Provided further*, That the Chief of Engineers is directed to

General and special funds—Continued

CONSTRUCTION—Continued

use \$9,500,000 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 \$5,600,000 of the funds appropriated herein for 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 Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$16,000,000 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 Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137), and, of the \$15,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, \$10,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: *Provided further*, That \$300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toulte watersheds for species that have been listed as being of economic importance and threatened or endangered: *Provided further*, That \$35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410-r-8: *Provided further*, That the Secretary is directed to use \$2,000,000 of the funds appropriated herein to provide a grant to the City of Caliente, Nevada, for the City to expend for the purpose of purchasing construction equipment to be used by the City in constructing local flood control measures]. (Energy and Water Development Appropriations Act, 2006.)

For additional amounts for "Construction" to rehabilitate and repair Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$101,417,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006. (Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.)

Program and Financing (in millions of dollars)

Identification code 96-3122-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.04 Projects specifically authorized by Congress	263	336	227
00.05 Projects not specifically authorized by Congress	15	13	7
00.09 Locks and dams	153	208	129
00.12 Projects specifically authorized by Congress	122	85	91
00.13 Projects not specifically authorized by Congress	15	12	5
00.16 Projects specifically authorized by Congress	464	584	390
00.17 Projects not specifically authorized by Congress	29	40	27
00.18 Emergency streambank and shoreline protection	12	10	8
00.22 Reservoirs	15	16	8
00.25 Multiple-purpose power projects	21	6	24
00.27 Navigation	20	21	27
00.28 Flood control	16	119	15
00.29 Multiple-purpose power projects	35	50	56
00.33 Employees' compensation	19	17	18
00.34 Environmental projects	402	587	312
00.35 Project modification for environmental restoration	26	30	21
00.36 Aquatic plant control	4	4	3

00.37 Aquatic ecosystems	26	43	4
00.39 Beneficial uses of dredged material	6	2	3
01.00 Direct program subtotal	1,663	2,183	1,375
09.00 Reimbursable program	728	434	434
10.00 Total new obligations	2,391	2,617	1,809
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	811	957	1,286
22.00 New budget authority (gross)	2,537	2,946	2,033
23.90 Total budgetary resources available for obligation	3,348	3,903	3,319
23.95 Total new obligations	-2,391	-2,617	-1,809
24.40 Unobligated balance carried forward, end of year	957	1,286	1,510
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	1,720	2,280	1,383
40.33 Appropriation permanently reduced (P.L. 109-148)	-	22	-
40.35 Appropriation permanently reduced	-14	-	-
41.00 Transferred to other accounts	-40	-322	-
42.00 Transferred from other accounts	5	362	-
43.00 Appropriation (total discretionary)	1,671	2,298	1,383
Spending authority from offsetting collections:			
Discretionary:			
68.00 Offsetting collections (Cash)	767	648	650
68.10 Change in uncollected customer payments from Federal sources (unexpired)	99	-	-
68.90 Spending authority from offsetting collections (total discretionary)	866	648	650
70.00 Total new budget authority (gross)	2,537	2,946	2,033
Change in obligated balances:			
72.40 Obligated balance, start of year	-328	-360	-461
73.10 Total new obligations	2,391	2,617	1,809
73.20 Total outlays (gross)	-2,324	-2,718	-2,367
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-99	-	-
74.40 Obligated balance, end of year	-360	-461	-1,019
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	1,824	1,799	1,220
86.93 Outlays from discretionary balances	500	919	1,147
87.00 Total outlays (gross)	2,324	2,718	2,367
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-185	-130	-130
88.40 Non-Federal sources	-582	-518	-520
88.90 Total, offsetting collections (cash)	-767	-648	-650
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-99	-	-
Net budget authority and outlays:			
89.00 Budget authority	1,671	2,298	1,383
90.00 Outlays	1,557	2,070	1,717

This appropriation funds construction, replacement, and related activities for water resources projects whose principal purpose is to provide commercial navigation, flood and storm damage reduction, or aquatic ecosystem restoration benefits to the Nation. The Budget shows all activity financed through the Inland Waterways Trust Fund as occurring in that account.

The budget for the construction account allocates funds based on the following seven 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 within mission areas.* 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; aquatic ecosystem restoration) or to hydropower. Projects, except aquatic ecosystem restoration projects, will be ranked by their remaining benefits divided by their remaining costs (RBRC), 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. *Project completions.* Each project with an RBRC of 3.0 or greater that can be completed in the budget year with a final increment of funding will receive the balance of funding needed to complete construction and related administrative activities. Likewise, each aquatic ecosystem restoration project that cost-effectively contributes 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, and that can be completed in the budget year with a final increment of funding will receive the balance of funding needed to complete construction and related administrative activities.

3. *Projects with very high economic and environmental returns.* The projects with the highest RBRCs (or that are the most cost-effective in contributing to the restoration of a nationally or regionally significant aquatic ecosystem that has become degraded as a result of a Corps project, for aquatic ecosystem restoration) will receive not less than 80 percent of the maximum level of funding that the Corps can spend efficiently in each fiscal year.

4. *Projects with a low priority.* All ongoing flood and storm damage reduction, commercial navigation, and hydropower construction projects that have RBRCs below 3.0, except for flood and storm damage reduction projects that are funded in the budget to address significant risk to human safety, will be considered for deferral. All ongoing aquatic ecosystem restoration 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, and are less than 50 percent complete will be considered for deferral. Where a project considered for deferral was previously budgeted, the budget will include funding to cover the cost of terminating or completing each ongoing contract, whichever is less for. Budget year and future year savings from project suspensions (after covering the cost of terminating or completing ongoing contracts) will be used to accelerate the projects with the highest net economic and environmental returns.

5. *New starts and resumptions.* The budget will provide funds to start up new construction projects, and 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 in the top 20 percent of the ongoing construction projects in its mission area that year. 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, con-

struction 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 water resources projects, construction begins in the first fiscal year in which the Corps performs physical work under a construction contract.

6. *Other cases.* All other ongoing construction projects will receive not more than the amount needed to meet earnings permitted under ongoing multi-year contracts and related costs, except for flood and storm damage reduction projects that are funded in the budget to address significant risk to human safety, which will receive at least the funding needed to pay contractor earnings and related costs.

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

Projects that are funded in the budget for construction 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.

7. *Ten percent rule.* Up to a total of 10 percent of the funding available for construction may be allocated to ongoing construction projects regardless of the guidelines above. However, this may not be used to start up or resume any project.

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

This appropriation includes \$64 million for the Comprehensive Everglades Restoration Plan (CERP), which represents 4 percent of the total amount in the 2007 Budget for this account and 1 percent of the total amount in the 2007 Budget for the Corps of Engineers civil works program. Funding the CERP at this level would not have a significant impact on the overall Corps of Engineers civil works program in 2007. Future levels of funding for construction of CERP projects will depend on the availability of funds, and the impact of such future funding on the overall Corps of Engineers civil works program cannot be determined at this time. The budget for the Department of the Interior (DOI) includes an additional \$8 million for the CERP.

This Corps account and the DOI budget include \$100 million and \$61 million, respectively, for other Everglades work. Therefore, the budget for the two agencies includes a total of \$233 million for Everglades restoration work for 2007, of which \$72 million is for work under the CERP and \$161 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 2007 Budget includes funding for flood control (Section 205), emergency streambank and shoreline protection (Section 14), beach erosion control (Section 103), snagging and clearing (Section 208), aquatic ecosystem restoration (Section 206), and project modifications for improvement of the environment (Section 1135).

Object Classification (in millions of dollars)

Identification code 96-3122-0-1-301	2005 actual	2006 est.	2007 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	166	245	245
11.3 Other than full-time permanent	6	7	7
11.5 Other personnel compensation	5	5	5
11.7 Military personnel	6	6	6
11.9 Total personnel compensation	183	263	263

General and special funds—Continued

CONSTRUCTION—Continued

Object Classification (in millions of dollars)—Continued

Identification code 96-3122-0-1-301	2005 actual	2006 est.	2007 est.
12.1 Civilian personnel benefits	42	61	61
12.2 Accrued retirement	3	4	4
12.2 Other personnel	2	3	3
21.0 Travel and transportation of persons	12	12	12
23.1 Rental payments to GSA	16	16	16
23.3 Communications, utilities, and miscellaneous	7	8	8
24.0 Printing and reproduction	7	8	8
25.1 Advisory and assistance services	115	125	125
25.2 Other services	669	757	259
25.3 Purchase of goods and services from Government accounts	60	106	66
25.5 Research and development contracts	9	10	10
26.0 Supplies and materials	12	12	12
31.0 Equipment	16	17	17
32.0 Land and structures	510	781	511
99.0 Direct obligations	1,663	2,183	1,375
99.0 Reimbursable obligations	728	434	434
99.9 Total new obligations	2,391	2,617	1,809

Personnel Summary

Identification code 96-3122-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	2,642	3,151	2,791
Reimbursable:			
2001 Civilian full-time equivalent employment	1,609	1,609	1,609

OPERATION AND MAINTENANCE PROGRAM

(Budget authority in millions of dollars)

	2005 actual	2006 est.	2007 est.
Direct program:			
General fund (non-homeland security)	1,151	1,214	1,444
General fund (homeland security)	89	72	43
Supplemental	355	328	
Rescission	-16	-13	
Special recreation user fees	42	38	38
Disposal facilities user fees		1	1
Harbor Maintenance Trust Fund	677	658	707
Inland Waterways Trust Fund			25
Bonneville Power Administration transfer (mandatory)	73	0	0
Rivers and harbors contributed funds (mandatory)	34	35	35
Total direct program	2,405	2,333	2,293
Reimbursable program	142	26	26
Total program	2,547	2,359	2,319

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, including the rehabilitation of such projects where the extent of the work is not large enough to be considered a replacement, the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; and the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the Corps; for providing security for infrastructure owned and operated by, or on behalf of, the [United States Army] Corps [of Engineers (the "Corps")], including administrative buildings and facilities, and laboratories[, and the Washington Aqueduct]; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, [\$1,989,000,000] \$2,258,000,000, to remain available until expended, of which such sums as are necessary

to cover the Federal share of [operation] eligible operations and maintenance [costs for coastal harbors and channels, and inland harbors] shall be derived from the Harbor Maintenance Trust Fund[, pursuant to Public Law 99-662 may be derived from that fund, as amended]; of which such sums as are necessary to cover one-half of the costs of inland waterway project rehabilitations 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 be derived from that account] shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in [the] areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected[: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using \$275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware]. (Energy and Water Development Appropriations Act, 2006.)

[For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$327,517,000, to remain available until expended: Provided, That \$75,000,000 of this amount shall be used for authorized operation and maintenance activities along the Mississippi River-Gulf Outlet channel: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.] (Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.)

Program and Financing (in millions of dollars)

Identification code 96-3123-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Channels and harbors	137	124	95
00.02 Locks and dams	410	410	350
00.05 Reservoirs	378	328	330
00.06 Channel improvements, inspections, and miscellaneous maintenance	41	30	35
00.09 Multiple-purpose power projects	463	425	450
00.91 Total operation and maintenance projects	1,429	1,317	1,260
01.01 Protection of navigation	44	30	30
01.02 National emergency preparedness	3	4	4
01.05 Special programs to improve operation and maintenance	26	20	20
01.91 Total miscellaneous items	73	54	54
01.92 Total direct program	1,502	1,371	1,314
09.00 Reimbursable program activity	115	25	25
10.00 Total new obligations	1,617	1,396	1,339
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	43	262	532
22.00 New budget authority (gross)	1,836	1,666	1,552
23.90 Total budgetary resources available for obligation	1,879	1,928	2,084
23.95 Total new obligations	-1,617	-1,396	-1,339
24.40 Unobligated balance carried forward, end of year	262	532	745

New budget authority (gross), detail:

Discretionary:			
40.00 Appropriation	1,595	1,543	1,445
40.00 Appropriation (Homeland Security)		72	43

40.33	Appropriation permanently reduced (P.L. 109-148)	—	13	—
40.35	Appropriation permanently reduced	—	16	—
41.00	Transferred to other accounts	—	74	—
42.00	Transferred from other accounts	42	112	38
43.00	Appropriation (total discretionary)	1,621	1,640	1,526
Spending authority from offsetting collections:				
Discretionary:				
68.00	Offsetting collections (cash)	138	26	26
68.10	Change in uncollected customer payments from Federal sources (unexpired)	4	—	—
68.90	Spending authority from offsetting collections (total discretionary)	142	26	26
Mandatory:				
69.62	Transferred from other accounts	73	—	—
70.00	Total new budget authority (gross)	1,836	1,666	1,552
Change in obligated balances:				
72.40	Obligated balance, start of year	294	309	—60
73.10	Total new obligations	1,617	1,396	1,339
73.20	Total outlays (gross)	—1,598	—1,765	—1,691
74.00	Change in uncollected customer payments from Federal sources (unexpired)	—4	—	—
74.40	Obligated balance, end of year	309	—60	—412
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	1,261	1,472	1,364
86.93	Outlays from discretionary balances	336	293	327
86.97	Outlays from new mandatory authority	1	—	—
87.00	Total outlays (gross)	1,598	1,765	1,691
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00	Other Federal sources (Cash)	—104	—25	—25
88.40	Non-Federal sources,	—33	—1	—1
88.90	Total, offsetting collections (cash)	—137	—26	—26
Against gross budget authority only:				
88.95	Change in uncollected customer payments from Federal sources (unexpired)	—4	—	—
88.96	Portion of offsetting collections (cash) credited to expired accounts	—1	—	—
Net budget authority and outlays:				
89.00	Budget authority	1,694	1,640	1,526
90.00	Outlays	1,461	1,739	1,665

Summary of Budget Authority and Outlays

(in millions of dollars)

Enacted/requested:	2005 actual	2006 est.	2007 est.
Budget Authority	1,694	1,640	1,526
Outlays	1,461	1,739	1,665
Legislative proposal, subject to PAYGO:			
Budget Authority	—	—	9
Outlays	—	—	—
Total:			
Budget Authority	1,694	1,640	1,535
Outlays	1,461	1,739	1,665

This appropriation funds operation, maintenance, and related activities at the water resources projects that the Corps of Engineers 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 those accounts. To improve accountability and oversight, reflect the full cost of operating and maintaining existing projects, and support an integrated investment strategy, the Budget begins to fund the following activities in the operation and maintenance ac-

count: 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 listed species; the construction of facilities, projects or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; and the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities.

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

This appropriation does not provide any funding for the operation and maintenance of the Comprehensive Everglades Restoration Plan (CERP) in 2007; therefore, funding the CERP at this level would not have a significant impact on the overall Corps of Engineers civil works program. Because no CERP projects have been completed, the work scheduled for CERP over the next couple of years will not involve the operation or 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 of Engineers civil works program cannot be determined at this time.

Object Classification (in millions of dollars)

Identification code 96-3123-0-1-301	2005 actual	2006 est.	2007 est.	
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	413	453	459
11.3	Other than full-time permanent	24	25	25
11.5	Other personnel compensation	8	29	30
11.7	Military personnel	1	1	1
11.9	Total personnel compensation	446	508	515
12.1	Civilian personnel benefits	107	116	117
13.0	Benefits for former personnel	4	4	4
21.0	Travel and transportation of persons	8	6	6
22.0	Transportation of things	2	2	2
23.1	Rental payments to GSA	5	5	5
23.2	Rental payments to others	1	1	1
23.3	Communications, utilities, and miscellaneous charges	15	15	15
24.0	Printing and reproduction	2	2	2
25.1	Advisory and assistance services	2	2	2
25.2	Other services	390	285	200
25.3	Other purchases of goods and services from Government accounts	240	185	205
25.4	Operation and maintenance of facilities	40	40	40
25.7	Operation and maintenance of equipment	5	5	5
26.0	Supplies and materials	20	20	20
31.0	Equipment	20	20	20
32.0	Land and structures	195	155	155
99.0	Direct obligations	1,502	1,371	1,314
99.0	Reimbursable obligations	115	25	25
99.9	Total new obligations	1,617	1,396	1,339

Personnel Summary

Identification code 96-3123-0-1-301	2005 actual	2006 est.	2007 est.	
Direct:				
1001	Civilian full-time equivalent employment	8,908	9,260	9,160

General and special funds—Continued

OPERATION AND MAINTENANCE
(Legislative proposal, subject to PAYGO)

Program and Financing (in millions of dollars)

Identification code 96-3123-4-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Direct program activity			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	2005 actual	2006 est.	2007 est.
01.00 Balance, start of year	49	51	51
01.99 Balance, start of year	49	51	51
Receipts:			
02.20 Special recreation use fees, Corps of Engineers	44	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
02.99 Total receipts and collections	44	38	47
04.00 Total: Balances and collections	93	89	98
Appropriations:			
05.00 Special recreation user fee	-42	-38	-38
05.01 Special recreation user fee—legislative proposal subject to PAYGO			-9
05.99 Total appropriations	-42	-38	-47
07.99 Balance, end of year	51	51	51

Program and Financing (in millions of dollars)

Identification code 96-5383-0-2-301	2005 actual	2006 est.	2007 est.
New budget authority (gross), detail:			
Discretionary:			
40.20 Appropriation (special fund)	42	38	38
41.00 Transferred to other accounts	-42	-38	-38
43.00 Appropriation (total discretionary)			
Net budget authority and outlays:			
89.00 Budget authority			
90.00 Outlays			

The budget 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 collection of additional user fees. The Corps also would undertake a limited number of demonstra-

tion projects to upgrade Corps recreation facilities at little or no cost to the Federal government using new planning, management and financing arrangements with State and local government park authorities, local communities, or the private sector. Under the Construction, Operation and Maintenance, and Mississippi River and Tributaries accounts, the budget provides a total of \$267 million for recreation activities in 2007.

SPECIAL RECREATION USER FEE

(Legislative Proposal, Subject to PAYGO)

Program and Financing (in millions of dollars)

Identification code 96-5383-4-2-301	2005 actual	2006 est.	2007 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)

	2005 actual	2006 est.	2007 est.
Direct program:			
General fund	349	400	278
Supplemental	6	154	—
Rescission	-3	-4	—
Flood control and coastal emergencies transfer	-24	24	0
Rivers and harbors contributed funds (mandatory)	47	47	47
Total direct program	375	621	325
Reimbursable program	10	1	1
Total program	385	622	326

[FLOOD CONTROL,] MISSISSIPPI RIVER AND TRIBUTARIES[, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE]

For expenses necessary for the [flood damage reduction] program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, [\$400,000,000] \$278,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$20,000,000 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 \$9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund]. (Energy and Water Development Appropriations Act, 2006.)

[For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to cover the additional costs of mat laying and other repairs to the Mississippi River channel and associated levee repairs related to the consequences of hurricanes in the Gulf of Mexico in 2005, \$153,750,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.] (Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.)

Program and Financing (in millions of dollars)				
Identification code 96-3112-0-1-301	2005 actual	2006 est.	2007 est.	
Obligations by program activity:				
00.01 General investigations	7	9	6	
00.03 Construction	153	211	128	
00.05 Maintenance	154	180	143	
09.11 Reimbursable program	34	2	1	
10.00 Total new obligations	348	402	278	
Budgetary resources available for obligation:				
21.40 Unobligated balance carried forward, start of year	19	9	182	
22.00 New budget authority (gross)	338	575	279	
23.90 Total budgetary resources available for obligation	357	584	461	
23.95 Total new obligations	-348	-402	-278	
24.40 Unobligated balance carried forward, end of year	9	182	183	
New budget authority (gross), detail:				
Discretionary:				
40.00 Appropriation	331	554	278	
40.33 Appropriation permanently reduced (P.L. 109-148)	-4			
40.35 Appropriation permanently reduced	-3			
42.00 Transferred from other accounts		24		
43.00 Appropriation (total discretionary)	328	574	278	
Spending authority from offsetting collections:				
Discretionary:				
68.00 Offsetting collections (cash)	22	1	1	
68.10 Change in uncollected customer payments from Federal sources (unexpired)	12			
68.61 Transferred to other accounts	-24			
68.90 Spending authority from offsetting collections (total discretionary)	10	1	1	
70.00 Total new budget authority (gross)	338	575	279	
Change in obligated balances:				
72.40 Obligated balance, start of year	28	32	-1	
73.10 Total new obligations	348	402	278	
73.20 Total outlays (gross)	-332	-435	-355	
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-12			
74.40 Obligated balance, end of year	32	-1	-78	
Outlays (gross), detail:				
86.90 Outlays from new discretionary authority	259	433	210	
86.93 Outlays from discretionary balances	73	2	145	
87.00 Total outlays (gross)	332	435	355	
Offsets:				
Against gross budget authority and outlays:				
Offsetting collections (cash) from:				
88.00 Federal sources	-21	-1	-1	
88.40 Non-Federal sources	-1			
88.90 Total, offsetting collections (cash)	-22	-1	-1	
Against gross budget authority only:				
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-12			
Net budget authority and outlays:				
89.00 Budget authority	304	574	278	
90.00 Outlays	310	434	354	

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	2005 actual	2006 est.	2007 est.	
Direct obligations:				
Personnel compensation:				
11.1 Full-time permanent	74	82	90	
11.3 Other than full-time permanent	3	3	3	
11.5 Other personnel compensation	9	9	9	

11.9 Total personnel compensation	86	94	102
12.1 Civilian personnel benefits	19	21	23
13.0 Benefits for former personnel	1	2	2
21.0 Travel and transportation of persons	5	5	3
23.1 Rental payments to GSA	3	3	3
23.3 Communications, utilities, and miscellaneous	3	6	5
24.0 Printing and reproduction	2	10	2
25.1 Advisory and assistance services	13	15	3
25.2 Other services	133	181	17
25.3 Purchase goods & svcs. fm Government	5	5	81
25.4 Operation and maintenance of facilities	2	2	2
26.0 Supplies and materials	4	4	6
31.0 Equipment	2	2	2
32.0 Land and structures	36	50	26
99.0 Direct obligations	314	400	277
99.0 Reimbursable obligations	34	2	1
99.9 Total new obligations	348	402	278

Personnel Summary

Identification code 96-3112-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	1,410	1,500	1,600

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 flood and hurricane emergencies, as authorized by law, \$81,000,000, to remain available until expended.

[For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for emergency response to and recovery from coastal storm damages and flooding related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$2,277,965,000, to remain available until expended: *Provided*, That in using the funds appropriated for construction related to Hurricane Katrina in the areas covered by the disaster declaration made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 88 Stat. 143, as amended (42 U.S.C. 5121 et seq.), the Secretary of the Army, acting through the Chief of Engineers, is directed to restore the flood damage reduction and hurricane and storm damage reduction projects, and related works, to provide the level of protection for which they were designed, at full Federal expense: *Provided further*, That \$75,000,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized projects in the State of Mississippi along the Mississippi Gulf Coast at full Federal expense: *Provided further*, That \$544,460,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized hurricane, storm damage reduction and flood control projects in the greater New Orleans and south Louisiana area at full Federal expense: *Provided further*, That \$70,000,000 of this amount shall be available to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.] (*Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.*)

Program and Financing (in millions of dollars)

Identification code 96-3125-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
Direct program:			
00.01 Disaster preparedness	21	28	31
00.02 Emergency operations	58	42	45
00.03 Rehabilitation	83	75	78
00.04 Advance measures	5	2	6
09.00 Reimbursable program activity	1,538	1,616	1,616
10.00 Total new obligations	1,705	1,763	1,776

General and special funds—Continued

FLOOD CONTROL AND COASTAL EMERGENCIES—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3125-0-1-301	2005 actual	2006 est.	2007 est.
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	364	3,224	3,701
22.00 New budget authority (gross)	4,565	2,240	105
23.90 Total budgetary resources available for obligation	4,929	5,464	3,806
23.95 Total new obligations	-1,705	-1,763	-1,776
24.40 Unobligated balance carried forward, end of year	3,224	3,701	2,030
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	348	2,278	81
41.00 Transferred to other accounts	-5	-468	
42.00 Transferred from other accounts	40	404	
43.00 Appropriation (total discretionary)	383	2,214	81
Spending authority from offsetting collections:			
Discretionary:			
68.00 Offsetting collections (cash)	959	26	24
68.10 Change in uncollected customer payments from Federal sources (unexpired)	3,199		
68.62 Transferred from other accounts	24		
68.90 Spending authority from offsetting collections (total discretionary)	4,182	26	24
70.00 Total new budget authority (gross)	4,565	2,240	105
Change in obligated balances:			
72.40 Obligated balance, start of year	-389	-2,992	-2,990
73.10 Total new obligations	1,705	1,763	1,776
73.20 Total outlays (gross)	-1,109	-1,761	-620
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-3,199		
74.40 Obligated balance, end of year	-2,992	-2,990	-1,834
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	87	1,674	53
86.93 Outlays from discretionary balances	1,022	87	567
87.00 Total outlays (gross)	1,109	1,761	620
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-178	-26	-24
88.40 Non-Federal sources	-781		
88.90 Total, offsetting collections (cash)	-959	-26	-24
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-3,199		
Net budget authority and outlays:			
89.00 Budget authority	407	2,214	81
90.00 Outlays	151	1,735	596

This appropriation provides the funds needed for the planning, training, exercises, and other measures that ensure the readiness of the Corps of Engineers to respond to floods, hurricanes, and other natural disasters, and to support emergency operations in response to flood and hurricane 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 Budget provides funding for ongoing preparedness activities, as well as additional funding to help meet emergency needs during the year without disrupting activities in other program areas.

Object Classification (in millions of dollars)

Identification code 96-3125-0-1-301	2005 actual	2006 est.	2007 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	57	8	7
11.3 Other than full-time permanent	1	1	1
11.5 Other personnel compensation	18	2	19
11.9 Total personnel compensation	76	11	27
12.1 Civilian personnel benefits	2	5	2
21.0 Travel and transportation of persons	1	5	5
23.1 Rental payments to GSA	1	5	5
23.3 Communications, utilities, and miscellaneous charges	1	5	5
25.3 Other purchases of goods and services from Government accounts	79	98	98
31.0 Equipment	1	6	6
32.0 Land and structures	6	12	12
99.0 Direct obligations	167	147	160
99.0 Reimbursable obligations	1,538	1,616	1,616
99.9 Total new obligations	1,705	1,763	1,776

Personnel Summary

Identification code 96-3125-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	884	140	140

INVESTIGATIONS PROGRAM

(Budget authority in millions of dollars)

	2005 actual	2006 est.	2007 est.
Direct program:			
General fund	145	164	94
Rescission	-1	-2	
Supplemental		37	
Rivers and harbors contributed funds (mandatory)	28	29	29
Total direct program	172	228	123
Reimbursable program	39	9	9
Total program	211	237	132

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood [control, shore protection] and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, **[\$164,000,000] \$94,000,000**, to remain available until expended, of which \$25,000 shall be transferred to the Council on Environmental Quality for the Coastal America Initiative: *Provided*, That, [notwithstanding any other provision of law, within the funds provided under this heading, \$1,000,000 shall be available for planning assistance to the state of Ohio for Stark County watershed basin study: *Provided further*, That] using **[\$8,000,000] \$20,000,000** of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to [conduct a comprehensive hurricane protection study at full Federal expense to develop and present a full range of flood, coastal and hurricane protection measures exclusive of normal policy considerations for south Louisiana and the Secretary shall submit a feasibility report for short-term protection within 6 months of enactment of this Act, interim protection within 12 months of enactment of this Act and long-term comprehensive protection within 24 months of enactment of this Act: *Provided further*, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: *Provided further*, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies] *inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural*

and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein. (Energy and Water Development Appropriations Act, 2006.)

For an additional amount for "Investigations" to expedite studies of flood and storm damage reduction related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$37,300,000, to remain available until expended: *Provided*, That using \$10,000,000 of the funds provided, the Secretary shall conduct an analysis and design for comprehensive improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of salt-water intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resources purposes at full Federal expense: *Provided further*, That the Secretary shall recommend a cost-effective project, but shall not perform an incremental benefit-cost analysis to identify the recommended project, and shall not make project recommendations based upon maximizing net national economic development benefits: *Provided further*, That interim recommendations for near term improvements shall be provided within 6 months of enactment of this Act with final recommendations within 24 months of enactment: *Provided further*, That none of the \$12,000,000 provided herein for the Louisiana Hurricane Protection Study shall be available for expenditure until the State of Louisiana establishes a single state or quasi-state entity to act as local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.]

SEC. 5009. Public Law 109-103 is amended under the heading "Corps of Engineers—Civil, Investigations", by striking "Provided further, That using \$8,000,000" and all that follows to the end of the paragraph, and inserting in lieu thereof, "Provided further, That using \$8,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive hurricane protection analysis and design at full Federal expense to develop and present a full range of flood control, coastal restoration, and hurricane protection measures exclusive of normal policy considerations for South Louisiana and the Secretary shall submit a preliminary technical report for comprehensive Category 5 protection within 6 months of enactment of this Act and a final technical report for Category 5 protection within 24 months of enactment of this Act: *Provided further*, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: *Provided further*, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies." (Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.)

Program and Financing (in millions of dollars)

Identification code 96-3121-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Navigation, flood damage prevention, and shoreline protection studies	28	37	37
00.02 Comprehensive basin studies	3	4	4
00.03 Special studies	32	41	40
00.04 Review of authorized projects	2	1	1
00.05 Cooperation with other Federal agencies and non-Federal interests	7	10	11
00.07 Preconstruction engineering and design	25	31	31
00.08 Flood plain management services	6	6	6
00.09 Other programs	13	7	7
00.10 Research and development	20	27	21
09.11 Reimbursable program activity	37	20	20
10.00 Total new obligations	173	184	178
Budgetary resources available for obligation:			
21.00 Unobligated balance carried forward, start of year	41	51	75
22.00 New budget authority (gross)	183	208	103
23.90 Total budgetary resources available for obligation	224	259	178
23.95 Total new obligations	-173	-184	-178

24.40 Unobligated balance carried forward, end of year	51	75	.....
New budget authority (gross), detail:			
Discretionary:			
40.00 Appropriation	145	201	94
40.33 Appropriation permanently reduced (P.L. 109-148)	-2	-2	.....
40.35 Appropriation permanently reduced	-1	.....	.....
41.00 Transferred to other accounts .....	.....	-8	.....
42.00 Transferred from other accounts .....	.....	8	.....
43.00 Appropriation (total discretionary)	144	199	94
Spending authority from offsetting collections:			
Discretionary:			
68.00 Offsetting collections (cash)	37	9	9
68.10 Change in uncollected customer payments from Federal sources (unexpired)	2	.....	.....
68.90 Spending authority from offsetting collections (total discretionary)	39	9	9
70.00 Total new budget authority (gross)	183	208	103
Change in obligated balances:			
72.40 Obligated balance, start of year	-8	-8	-9
73.10 Total new obligations	173	184	178
73.20 Total outlays (gross)	-171	-185	-145
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-2	.....	.....
74.40 Obligated balance, end of year	-8	-9	24
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	140	124	61
86.93 Outlays from discretionary balances	31	61	84
87.00 Total outlays (gross)	171	185	145
Offsets:			
Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-18	-9	-9
88.40 Non-Federal sources	-19	.....	.....
88.90 Total, offsetting collections (cash)	-37	-9	-9
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-2	.....	.....
Net budget authority and outlays:			
89.00 Budget authority	144	199	94
90.00 Outlays	134	176	136

This appropriation funds studies to determine the need, the engineering feasibility, the economic return, and the environmental and social suitability of solutions to water and related land resource problems; and funds preconstruction engineering and design, data collection, interagency coordination, and research. Because the Corps of Engineers civil works program already has a large backlog of ongoing construction work, the budget limits funding for the study and design of additional projects.

Object Classification (in millions of dollars)

Identification code 96-3121-0-1-301	2005 actual	2006 est.	2007 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	57	71	69
11.3 Other than full-time permanent	2	2	2
11.5 Other personnel compensation	1	1	1
11.9 Total personnel compensation	60	74	72
12.1 Civilian personnel benefits	14	18	17
13.0 Benefits for former personnel	1	1	1
21.0 Travel and transportation of persons	2	1	1
23.1 Rental payments to GSA	2	1	1
23.3 Communications, utilities, and miscellaneous	1	1	1
24.0 Printing and reproduction	1	1	1
25.2 Other services	29	37	37
25.3 Purchase of goods and services from Government accounts	17	21	21
25.5 Research and development contracts	6	7	2
26.0 Supplies and materials	2	1	2
31.0 Equipment	2	1	2

General and special funds—Continued

INVESTIGATIONS—Continued

Object Classification (in millions of dollars)—Continued

Identification code 96-3121-0-1-301	2005 actual	2006 est.	2007 est.
99.0 Direct obligations	137	164	158
99.0 Reimbursable obligations	36	20	20
99.9 Total new obligations	173	184	178

Personnel Summary

Identification code 96-3121-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	851	1,000	960

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, **[\$160,000,000]** \$173,000,000, to remain available until expended. (Energy and Water Development Appropriations Act, 2006.)

Program and Financing (in millions of dollars)

Identification code 96-3126-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.03 Permit evaluation	119	122	132
00.05 Enforcement and compliance	21	23	32
00.06 Studies	1	2	10
00.07 Administrative appeals	1	1	8
01.92 Total direct obligations	142	148	182
09.00 Reimbursable program	2	1	1
10.00 Total new obligations	144	149	183

Budgetary resources available for obligation:

21.40 Unobligated balance carried forward, start of year	3	6	16
22.00 New budget authority (gross)	147	159	174
23.90 Total budgetary resources available for obligation	150	165	190
23.95 Total new obligations	-144	-149	-183
24.40 Unobligated balance carried forward, end of year	6	16	7

New budget authority (gross), detail:

Discretionary:			
40.00 Appropriation	145	160	173
40.33 Appropriation permanently reduced (P.L. 109-148)		-2	
40.35 Appropriation permanently reduced	-1		
43.00 Appropriation (total discretionary)	144	158	173
Discretionary:			
68.00 Spending authority from offsetting collections: Offsetting collections (cash)	3	1	1
70.00 Total new budget authority (gross)	147	159	174

Change in obligated balances:

72.40 Obligated balance, start of year	3	2	-7
73.10 Total new obligations	144	149	183
73.20 Total outlays (gross)	-145	-158	-173
74.40 Obligated balance, end of year	2	-7	3

Outlays (gross), detail:

86.90 Outlays from new discretionary authority	138	151	165
86.93 Outlays from discretionary balances	7	7	8
87.00 Total outlays (gross)	145	158	173

Offsets:

Against gross budget authority and outlays:			
Offsetting collections (cash) from:			
88.00 Federal sources	-1	-1	-1
88.40 Non-Federal sources	-2		
88.90 Total, offsetting collections (cash)	-3	-1	-1

Net budget authority and outlays:

89.00 Budget authority	144	158	173
90.00 Outlays	142	157	172

This appropriation provides funds to administer laws pertaining to regulation of activities affecting U.S. waters including wetlands, in accordance with the Rivers and Harbors Appropriation Act of 1899, the Clean Water Act, 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	2005 actual	2006 est.	2007 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	75	85	86
11.3 Other than full-time permanent	2	3	3
11.5 Other personnel compensation	2	1	1
11.9 Total personnel compensation	79	89	90
12.1 Civilian personnel benefits	18	21	21
21.0 Travel and transportation of persons	3	3	5
22.0 Transportation of things	2	2	4
23.1 Rental payments to GSA	2	2	4
23.3 Communications, utilities, and miscellaneous	1	1	4
24.0 Printing and reproduction	1	1	4
25.1 Advisory and assistance services	2	1	4
25.2 Other services	8	3	10
25.3 Purchase goods & svcs. fm Government accts.	19	20	20
25.7 Operation and maintenance of equipment	3	2	4
26.0 Supplies and materials	1	1	4
31.0 Equipment	1	1	4
32.0 Land and structures	2	1	4
99.0 Direct obligations	142	148	182
99.0 Reimbursable obligations	2	1	1
99.9 Total new obligations	144	149	183

Personnel Summary

Identification code 96-3126-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	1,383	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 Appropriations Act, 2006.)

Program and Financing (in millions of dollars)

Identification code 96-3130-0-1-053	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Direct program activity	160	140	130
09.01 Reimbursable program	1		
10.00 Total new obligations	161	140	130

Budgetary resources available for obligation:

21.40 Unobligated balance carried forward, start of year	2	6	5
22.00 New budget authority (gross)	165	139	130
23.90 Total budgetary resources available for obligation	167	145	135
23.95 Total new obligations	-161	-140	-130
24.40 Unobligated balance carried forward, end of year	6	5	5

New budget authority (gross), detail:

Discretionary:			
40.00 Appropriation	165	140	130

40.33	Appropriation permanently reduced (P.L. 109-148)	—	1	
40.35	Appropriation permanently reduced	—	1	
43.00	Appropriation (total discretionary)	164	139	130
Spending authority from offsetting collections:				
Discretionary:				
68.00	Offsetting collections (cash)	2		
68.10	Change in uncollected customer payments from Federal sources (unexpired)	—	1	
68.90	Spending authority from offsetting collections (total discretionary)	1		
70.00	Total new budget authority (gross)	165	139	130
Change in obligated balances:				
72.40	Obligated balance, start of year	29	36	58
73.10	Total new obligations	161	140	130
73.20	Total outlays (gross)	—	118	—
74.00	Change in uncollected customer payments from Federal sources (unexpired)	1		
74.40	Obligated balance, end of year	36	58	47
Outlays (gross), detail:				
86.90	Outlays from new discretionary authority	99	83	78
86.93	Outlays from discretionary balances	56	35	63
87.00	Total outlays (gross)	155	118	141
Offsets:				
Against gross budget authority and outlays:				
88.00	Offsetting collections (cash) from: Federal sources	—	2	
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	164	139	130
90.00	Outlays	152	118	141

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	2005 actual	2006 est.	2007 est.
Direct obligations:			
11.1	Personnel compensation: Full-time permanent	9	9
12.1	Civilian personnel benefits	2	2
25.2	Other services	109	104
25.3	Other purchases of goods and services from Government accounts	25	15
32.0	Land and structures	15	10
99.0	Direct obligations	160	140
99.0	Reimbursable obligations	1	
99.9	Total new obligations	161	140

Personnel Summary

Identification code 96-3130-0-1-053	2005 actual	2006 est.	2007 est.
Direct:			
1001	Civilian full-time equivalent employment	122	130

【GENERAL】 EXPENSES

For expenses necessary for the Office of the Assistant Secretary of the Army (Civil Works) and for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, **[\$154,000,000] \$164,000,000**, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities

of the Office of the Chief of Engineers or the civil works executive direction and management activities of the [division] offices of the *Division Engineers*: *Provided further*, That the Secretary is directed to use \$4,500,000 of the funds appropriated herein to conduct, at full Federal expense and in close cooperation with state and local governments, comprehensive analyses that examine multi-jurisdictional use and management of water resources on a watershed or regional scale. (*Energy and Water Development Appropriations Act, 2006.*)

【For an additional amount for “General Expenses” for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, \$1,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.】 (*Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.*)

Program and Financing (in millions of dollars)

Identification code 96-3124-0-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
Executive direction and management:			
00.01	Office, Chief of Engineers	56	60
00.02	Division offices	69	67
00.03	Assistant Secretary of the Army (Civil Works)		6
00.09	Humphreys Engineer Center support activity	17	17
00.11	Institute for Water Resources	4	4
00.12	USACE finance center	1	1
00.13	GE program accounts	10	13
09.00	Reimbursable program	17	
10.00	Total new obligations	174	162
Budgetary resources available for obligation:			
21.40	Unobligated balance carried forward, start of year	4	11
22.00	New budget authority (gross)	181	154
23.90	Total budgetary resources available for obligation	185	165
23.95	Total new obligations	—	162
24.40	Unobligated balance carried forward, end of year	11	3
New budget authority (gross), detail:			
Discretionary:			
40.00	Appropriation	167	156
40.33	Appropriation permanently reduced (P.L. 109-148)		—
40.35	Appropriation permanently reduced	—	1
43.00	Appropriation (total discretionary)	166	154
Spending authority from offsetting collections:			
Discretionary:			
68.00	Offsetting collections (cash)	18	
68.10	Change in uncollected customer payments from Federal sources (unexpired)	—	3
68.90	Spending authority from offsetting collections (total discretionary)	15	
70.00	Total new budget authority (gross)	181	154
Change in obligated balances:			
72.40	Obligated balance, start of year	31	28
73.10	Total new obligations	174	162
73.20	Total outlays (gross)	—	124
74.00	Change in uncollected customer payments from Federal sources (unexpired)	3	
74.40	Obligated balance, end of year	28	66
Outlays (gross), detail:			
86.90	Outlays from new discretionary authority	148	124
86.93	Outlays from discretionary balances	32	
87.00	Total outlays (gross)	180	124
Offsets:			
Against gross budget authority and outlays:			
88.00	Offsetting collections (cash) from: Federal sources	—	18
Against gross budget authority only:			
88.95	Change in uncollected customer payments from Federal sources (unexpired)	3	

General and special funds—Continued

[GENERAL] EXPENSES—Continued

Program and Financing (in millions of dollars)—Continued

Identification code 96-3124-0-1-301	2005 actual	2006 est.	2007 est.
Net budget authority and outlays:			
89.00 Budget authority	166	154	164
90.00 Outlays	161	124	161

This appropriation funds the policy oversight, the executive direction and management, the centralized operations, and the administration of the Office of the Assistant Secretary of the Army (Civil Works) and of the Corps of Engineers at the following offices and facilities:

Office of the Assistant Secretary of the Army (Civil Works).—This office provides policy direction and oversight, principally for the civil works program.

Headquarters, U.S. Army Corps of Engineers.—This office provides executive direction and management for the entire civil works program.

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

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

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

United States Army Corps of Engineers Finance Center.—This center provides centralized support for all Corps finance and accounting activities.

U.S. Army Engineer Research and Development Center.—This center manages all research and development for the civil works program.

The Office of the Assistant Secretary formerly was funded in a separate account.

Object Classification (in millions of dollars)

Identification code 96-3124-0-1-301	2005 actual	2006 est.	2007 est.
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	93	93	95
11.3 Other than full-time permanent	1	2	2
11.5 Other personnel compensation	1	1	1
11.7 Military personnel	4	4	5
11.9 Total personnel compensation	99	100	103
12.1 Civilian personnel benefits	17	18	18
12.2 Accrued retirement	2	3	3
13.0 Benefits for former personnel	1	1	1
21.0 Travel and transportation of persons	6	6	6
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	5	5
24.0 Printing and reproduction	2	2	2
25.2 Other services	9	10	9
25.3 Purchase goods & svcs. fm Government accts.	5	6	6
26.0 Supplies and materials	2	2	2
31.0 Equipment	2	2	2
99.0 Direct obligations	157	162	164
99.0 Reimbursable obligations	17		
99.9 Total new obligations	174	162	164

Personnel Summary

Identification code 96-3124-0-1-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	999	997	997

PAYMENT TO SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Program and Financing (in millions of dollars)

Identification code 96-3129-0-1-306	2005 actual	2006 est.	2007 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 Act of 1999 (P.L. 106-53).

WASHINGTON AQUEDUCT

Program and Financing (in millions of dollars)

Identification code 96-3128-0-1-301	2005 actual	2006 est.	2007 est.
New budget authority (gross), detail:			
Spending authority from offsetting collections:			
Mandatory:			
69.00 Offsetting collections (cash)	1	1	1
69.47 Portion applied to repay debt	-1	-1	-1
69.90 Spending authority from offsetting collections (total mandatory)			
Offsets:			
Against gross budget authority and outlays:			
88.40 Offsetting collections (cash) from: Non-Federal sources	-1	-1	-1
Net budget authority and outlays:			
89.00 Budget authority	-1	-1	-1
90.00 Outlays	-1	-1	-1

Summary of Budget Authority and Outlays

	(in millions of dollars)		
Enacted/requested:	2005 actual	2006 est.	2007 est.
Budget Authority	-1	-1	-1
Outlays	-1	-1	-1
Legislative proposal, subject to PAYGO:			
Budget Authority			68
Outlays			
Total:			
Budget Authority	-1	-1	67
Outlays	-1	-1	-1

The Washington Aqueduct (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 Army Corps of Engineers, the customers finance the operation, maintenance and major capital improvement

of Aqueduct facilities. Under current law, the Aqueduct's customers are required to pay in advance the full cost of making capital improvements at the Aqueduct.

WASHINGTON AQUEDUCT
(Legislative proposal, subject to PAYGO)

Program and Financing (in millions of dollars)

Identification code 96-3128-4-1-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
09.01 Reimbursable program			100
10.00 Total new obligations (object class 32.0)			100
Budgetary resources available for obligation:			
22.00 New budget authority (gross)			100
23.95 Total new obligations			-100
New budget authority (gross), detail:			
Mandatory:			
66.10 Contract authority			100
Spending authority from offsetting collections:			
Mandatory:			
69.00 Offsetting collections (cash)			32
69.49 Portion applied to liquidate contract authority			-32
69.90 Spending authority from offsetting collections (total mandatory)			
70.00 Total new budget authority (gross)			100
Change in obligated balances:			
73.10 Total new obligations			100
73.20 Total outlays (gross)			-32
74.40 Obligated balance, end of year			68
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority			32
Offsets:			
Against gross budget authority and outlays:			
88.40 Offsetting collections (cash) from: Non-Federal sources			-32
Net budget authority and outlays:			
89.00 Budget authority			68
90.00 Outlays			

The Administration plans to submit legislation to allow the Corps to undertake capital improvements to comply with the National Pollutant Discharge Elimination System permit that has been issued for the Aqueduct in advance of receiving cash payments from the customers. The customers would deposit the funds in advance in an interest bearing account, and the funds would be transferred to the Corps as disbursements are made.

PERMANENT APPROPRIATIONS

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-9921-0-2-999	2005 actual	2006 est.	2007 est.
01.00 Balance, start of year	18	17	17
01.99 Balance, start of year	18	17	17
Receipts:			
02.20 Receipts from leases of lands acquired for flood control, navigation, and allied purposes	9	9	9
02.60 Licenses under Federal Power Act, improvements of navigable waters, maintenance and operation of dams, etc.	5	9	10
02.99 Total receipts and collections	14	18	19
04.00 Total: Balances and collections	32	35	36
Appropriations:			
05.00 Permanent appropriations	-15	-18	-18
07.99 Balance, end of year	17	17	18

Program and Financing (in millions of dollars)

Identification code 96-9921-0-2-999	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.02 Maintenance and operation of dams and other im- provements of navigable waters	6	9	9
00.03 Payments to States	8	9	9
10.00 Total new obligations	14	18	18
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year		1	1
22.00 New budget authority (gross)	15	18	18
23.90 Total budgetary resources available for obligation	15	19	19
23.95 Total new obligations	-14	-18	-18
24.40 Unobligated balance carried forward, end of year	1	1	1
New budget authority (gross), detail:			
Mandatory:			
60.20 Appropriation (special fund)	15	18	18
Change in obligated balances:			
72.40 Obligated balance, start of year	3	1	1
73.10 Total new obligations	14	18	18
73.20 Total outlays (gross)	-15	-18	-18
74.40 Obligated balance, end of year	1	1	1
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	9	18	18
86.98 Outlays from mandatory balances	6		
87.00 Total outlays (gross)	15	18	18
Net budget authority and outlays:			
89.00 Budget authority	15	18	18
90.00 Outlays	16	18	18

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, CA, 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	2005 actual	2006 est.	2007 est.
Direct obligations:			
11.1 Personnel compensation: Full-time permanent	1	1	1
13.0 Benefits for former personnel	1	1	1
25.2 Other services	4	5	5
41.0 Grants, subsidies, and contributions	4	7	7
99.0 Direct obligations	10	14	14
99.5 Below reporting threshold	4	4	4
99.9 Total new obligations	14	18	18

General and special funds—Continued

PERMANENT APPROPRIATIONS—Continued

Personnel Summary

Identification code 96-9921-0-2-999	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	15	23	23

Intragovernmental funds:

REVOLVING FUND

Program and Financing (in millions of dollars)

Identification code 96-4902-0-4-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
09.01 Plant and equipment services	661	721	764
09.02 Warehousing (GPRA)	11	10	10
09.03 Shop and facility services	2,284	2,261	2,284
09.04 General administrative services	1,452	1,669	1,836
09.09 Total operating expenses	4,408	4,661	4,894
09.20 Land and structures	4	19	6
09.21 Dredges	2	28	8
09.22 Other floating plant	10	16	5
09.23 Land-based equipment	2	3	14
09.24 Tools, office furniture, and equipment	4	5	5
09.25 Airplane			3
09.29 Total capital investment	22	71	41
10.00 Total new obligations	4,430	4,732	4,935
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	4	37	
22.00 New budget authority (gross)	4,463	4,695	4,965
23.90 Total budgetary resources available for obligation	4,467	4,732	4,965
23.95 Total new obligations	-4,430	-4,732	-4,935
24.40 Unobligated balance carried forward, end of year	37		30
New budget authority (gross), detail:			
Spending authority from offsetting collections:			
Mandatory:			
69.00 Offsetting collections (cash)	4,456	4,695	4,965
69.10 Change in uncollected customer payments from Federal sources (unexpired)	7		
69.90 Spending authority from offsetting collections (total mandatory)	4,463	4,695	4,965
Change in obligated balances:			
72.40 Obligated balance, start of year	899	928	965
73.10 Total new obligations	4,430	4,732	4,935
73.20 Total outlays (gross)	-4,394	-4,695	-4,965
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-7		
74.40 Obligated balance, end of year	928	965	935
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	4,394	4,695	4,965
Offsets:			
Against gross budget authority and outlays:			
88.00 Offsetting collections (cash) from: Federal sources	-4,457	-4,695	-4,965
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-7		
88.96 Portion of offsetting collections (cash) credited to expired accounts	1		
Net budget authority and outlays:			
89.00 Budget authority			
90.00 Outlays	-63		

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. 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	2005 actual	2006 est.	2007 est.
21.0 Travel and transportation of persons	24	27	27
22.0 Transportation of things	1	2	2
23.1 Rental payments to GSA	12	14	15
23.2 Rental payments to others	1	2	2
23.3 Communications, utilities, and miscellaneous charges	29	31	34
24.0 Printing and reproduction	17	18	17
25.1 Advisory and assistance services	1	2	1
25.2 Other services	3,876	4,120	4,283
25.3 Other purchases of goods and services from Government accounts	250	275	295
25.7 Operation and maintenance of equipment	11	12	13
26.0 Supplies and materials	150	164	175
31.0 Equipment	39	42	46
32.0 Land and structures	17	19	21
42.0 Insurance claims and indemnities	1	2	2
44.0 Refunds	1	2	2
99.9 Total new obligations	4,430	4,732	4,935

HARBOR MAINTENANCE TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8863-0-7-301	2005 actual	2006 est.	2007 est.
01.00 Balance, start of year	2,299	2,695	3,277
01.99 Balance, start of year	2,299	2,695	3,277
Receipts:			
02.00 Earnings on investments, Harbor maintenance trust fund	54	142	175
02.60 User fees, Harbor maintenance trust fund	1,048	1,133	1,228
02.99 Total receipts and collections	1,102	1,275	1,403
04.00 Total: Balances and collections	3,401	3,970	4,680
Appropriations:			
05.00 Salaries and expenses, Customs and Border Protection	-3	-3	-3
05.01 Operations and maintenance	-16	-16	-8
05.02 Harbor maintenance trust fund	-10	-9	
05.03 Harbor maintenance trust fund	-677	-665	-707
05.99 Total appropriations	-706	-693	-718
07.99 Balance, end of year	2,695	3,277	3,962

Program and Financing (in millions of dollars)

Identification code 96-8863-0-7-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Direct program activity	687	658	698
00.02 Dredged material disposal facilities		9	9
10.00 Total new obligations	687	667	707
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	687	667	707
23.95 Total new obligations	-687	-667	-707
New budget authority (gross), detail:			
Discretionary:			
40.26 Appropriation (Construction)	10	9	
40.26 Appropriation (Operations & maintenance)	677	665	707
40.33 Appropriation permanently reduced (P.L. 109-148)		-7	
43.00 Appropriation (total discretionary)	687	667	707
Change in obligated balances:			
73.10 Total new obligations	687	667	707
73.20 Total outlays (gross)	-687	-667	-707
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	674	667	707
86.93 Outlays from discretionary balances	13		

87.00	Total outlays (gross)	687	667	707
Net budget authority and outlays:				
89.00	Budget authority	687	667	707
90.00	Outlays	687	667	707
Memorandum (non-add) entries:				
92.01	Total investments, start of year: Federal securities: Par value	2,237	2,621	1,833
92.02	Total investments, end of year: Federal securities: Par value	2,621	1,833	1,833

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 this account, rather than in the Operation and Maintenance account.

The Harbor Maintenance Revenue Act authorized expenditures from this fund to finance up to 100 percent of Corps of Engineers 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 Federal share of the costs for the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any coastal or inland harbor, the dredging and disposal of contaminated sediments that are in or affect the 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 to be derived from the fund.

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 of Engineers, and the Department of Commerce related to administration of the harbor maintenance tax, but not to exceed \$5,000,000 for any fiscal year.

A 1995 decision by the United States Court of International Trade, *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	2005 actual	2006 est.	2007 est.	
11.1	Personnel compensation: Full-time permanent	82	192	195
12.1	Civilian personnel benefits	20	47	48
21.0	Travel and transportation of persons	20	10	10
22.0	Transportation of things	20	10	10
23.1	Rental payments to GSA	20	10	10
23.2	Rental payments to others	8	5	5
23.3	Communications, utilities, and miscellaneous charges	18	15	15
25.1	Advisory and assistance services	12	5	5
25.2	Other services	200	100	128
25.3	Other purchases of goods and services from Government accounts	110	103	110
25.4	Operation and maintenance of facilities	15	15	12
25.7	Operation and maintenance of equipment	5	5	5
26.0	Supplies and materials	15	15	15
31.0	Equipment	15	15	15
32.0	Land and structures	127	120	124
99.9	Total new obligations	687	667	707

Personnel Summary

Identification code 96-8863-0-7-301	2005 actual	2006 est.	2007 est.	
Direct:				
1001	Civilian full-time equivalent employment	3,000	3,000	3,000

Trust Funds

INLAND WATERWAYS TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 20-8861-0-7-301	2005 actual	2006 est.	2007 est.	
01.00	Balance, start of year	350	323	233
01.99	Balance, start of year	350	323	233
Receipts:				
02.00	Interest and profits on investments in public debt securities, Inland waterways trust fund	19	13	12
02.60	Transfer from general fund, Inland waterways revenue act taxes	91	81	77
02.99	Total receipts and collections	110	94	89
04.00	Total: Balances and collections	460	417	322
Appropriations:				
05.00	Inland waterways trust fund	-137	-184	-172
05.01	Inland waterways trust fund			-25
05.99	Total appropriations	-137	-184	-197
07.99	Balance, end of year	323	233	125

Program and Financing (in millions of dollars)

Identification code 20-8861-0-7-301	2005 actual	2006 est.	2007 est.	
Obligations by program activity:				
00.01	Direct program activity	136	183	172
10.00	Total new obligations	136	183	172
Budgetary resources available for obligation:				
21.40	Unobligated balance carried forward, start of year		1	
22.00	New budget authority (gross)	137	182	197
23.90	Total budgetary resources available for obligation	137	183	197
23.95	Total new obligations	-136	-183	-172
24.40	Unobligated balance carried forward, end of year	1		25
New budget authority (gross), detail:				
Discretionary:				
40.26	Appropriation (Construction)	137	184	172
40.26	Appropriation (Operation & Maintenance)			25
40.33	Appropriation permanently reduced (P.L. 109-148)		-2	
43.00	Appropriation (total discretionary)	137	182	197

Change in obligated balances:

72.40	Obligated balance, start of year	10	19	46
73.10	Total new obligations	136	183	172
73.20	Total outlays (gross)	-127	-156	-194
74.40	Obligated balance, end of year	19	46	24

Outlays (gross), detail:

86.90	Outlays from new discretionary authority		155	167
86.93	Outlays from discretionary balances	127	1	27
87.00	Total outlays (gross)	127	156	194

Net budget authority and outlays:

89.00	Budget authority	137	182	197
90.00	Outlays	127	156	194

Memorandum (non-add) entries:

92.01	Total investments, start of year: Federal securities: Par value	352	336	230
92.02	Total investments, end of year: Federal securities: Par value	336	230	230

INLAND WATERWAYS TRUST FUND—Continued

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 is derived from taxes imposed on fuel for vessels engaged in commercial waterway transportation, plus investment interest. The budget shows all activity related to the Inland Waterways Trust Fund as occurring within this account, rather than in the Construction and Operation and Maintenance accounts.

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

Object Classification (in millions of dollars)

Identification code 20-8861-0-7-301	2005 actual	2006 est.	2007 est.
11.1 Personnel compensation: Full-time permanent	8	9	16
12.1 Civilian personnel benefits	3	3	3
21.0 Travel and transportation of persons	2	3	3
23.1 Rental payments to GSA	2	3	3
23.3 Communications, utilities, and miscellaneous charges	2	3	3
24.0 Printing and reproduction	2	3	3
25.1 Advisory and assistance services	10	13	13
25.2 Other services	74	91	91
25.3 Other purchases of goods and services from Government accounts	5	10	5
25.5 Research and development contracts	1	2	2
26.0 Supplies and materials	2	3	3
31.0 Equipment	2	3	3
32.0 Land and structures	23	37	24
99.9 Total new obligations	136	183	172

Personnel Summary

Identification code 20-8861-0-7-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	137	150	150

RIVERS AND HARBORS CONTRIBUTED FUNDS

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8862-0-7-301	2005 actual	2006 est.	2007 est.
01.00 Balance, start of year			
01.99 Balance, start of year			
Receipts:			
02.20 Contributions, Rivers and harbors, other than port and harbor user fees	410	445	445
04.00 Total: Balances and collections	410	445	445
Appropriations:			
05.00 Rivers and harbors contributed funds	-410	-445	-445
07.99 Balance, end of year			

Program and Financing (in millions of dollars)

Identification code 96-8862-0-7-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
General investigations:			
00.01 Where required for an authorized Federal project	22	22	22
00.02 Where not required for an authorized Federal project	6	7	7
Construction General:			
00.03 Where required for an authorized Federal project	273	310	310
00.04 Where not required for an authorized Federal project	13	13	13
Operations and Maintenance:			
00.05 Where required for an authorized Federal project	32	33	33
00.06 Where not required for an authorized Federal project	2	2	2
Flood Control, Mississippi River & Tributaries:			
00.07 Where required for an authorized Federal project	43	43	43

00.08 Where not required for an authorized Federal project Coastal Wetlands Restoration:	4	4	4
00.09 Where required for an authorized Federal Project	7	7	7
10.00 Total new obligations	402	441	441

Budgetary resources available for obligation:

21.40 Unobligated balance carried forward, start of year	260	268	272
22.00 New budget authority (gross)	410	445	445
23.90 Total budgetary resources available for obligation	670	713	717
23.95 Total new obligations	-402	-441	-441
24.40 Unobligated balance carried forward, end of year	268	272	276

New budget authority (gross), detail:

Mandatory:			
60.26 Appropriation (trust fund)	410	445	445

Change in obligated balances:

72.40 Obligated balance, start of year	148	200	196
73.10 Total new obligations	402	441	441
73.20 Total outlays (gross)	-350	-445	-445
74.40 Obligated balance, end of year	200	196	192

Outlays (gross), detail:

86.97 Outlays from new mandatory authority	4	4	4
86.98 Outlays from mandatory balances	346	441	441
87.00 Total outlays (gross)	350	445	445

Net budget authority and outlays:

89.00 Budget authority	410	445	445
90.00 Outlays	350	445	445

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 other work.

Object Classification (in millions of dollars)

Identification code 96-8862-0-7-301	2005 actual	2006 est.	2007 est.
Personnel compensation:			
11.1 Full-time permanent	28	32	32
11.3 Other than full-time permanent	1	1	1
11.5 Other personnel compensation	1	1	1
11.9 Total personnel compensation	30	34	34
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	47	49	49
25.3 Other purchases of goods and services from Government 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	242	275	275
99.9 Total new obligations	402	441	441

Personnel Summary

Identification code 96-8862-0-7-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	485	500	500

COASTAL WETLANDS RESTORATION TRUST FUND

(Budget authority in millions of dollars)

	2005 actual	2006 est.	2007 est.
Corps of Engineers	7	2	13
Environmental Protection Agency	-1	12	10
Fish & Wildlife Service		12	11
National Marine Fisheries Service	16	1	20
Natural Resources Conservation Service	2	20	16

Undistributed balance	34	16	5
Subtotal	58	63	75
Rivers and harbors contributed funds (mandatory)	7	7	7
Total program	65	70	82

COASTAL WETLANDS RESTORATION TRUST FUND

Program and Financing (in millions of dollars)

Identification code 96-8333-0-7-301	2005 actual	2006 est.	2007 est.
Obligations by program activity:			
00.01 Direct program activity	24	65	65
10.00 Total new obligations	24	65	65
Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	89	123	121
22.00 New budget authority (gross)	58	63	75
23.90 Total budgetary resources available for obligation	147	186	196
23.95 Total new obligations	-24	-65	-65
24.40 Unobligated balance carried forward, end of year	123	121	131
New budget authority (gross), detail:			
Mandatory:			
62.00 Transferred from other accounts	58	63	75
Change in obligated balances:			
72.40 Obligated balance, start of year	265	247	249
73.10 Total new obligations	24	65	65
73.20 Total outlays (gross)	-42	-63	-75
74.40 Obligated balance, end of year	247	249	239
Outlays (gross), detail:			
86.97 Outlays from new mandatory authority	43	55	
86.98 Outlays from mandatory balances	42	20	20
87.00 Total outlays (gross)	42	63	75
Net budget authority and outlays:			
89.00 Budget authority	58	63	75
90.00 Outlays	42	63	75

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 of Engineers, 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	2005 actual	2006 est.	2007 est.
11.1 Personnel compensation: Full-time permanent	2	3	3
25.2 Other services	4	9	9
25.3 Other purchases of goods and services from Government accounts	18	53	53
99.9 Total new obligations	24	65	65

Personnel Summary

Identification code 96-8333-0-7-301	2005 actual	2006 est.	2007 est.
Direct:			
1001 Civilian full-time equivalent employment	29	40	40

SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND

Special and Trust Fund Receipts (in millions of dollars)

Identification code 96-8217-0-7-306	2005 actual	2006 est.	2007 est.
01.00 Balance, start of year	45	57	71
01.99 Balance, start of year	45	57	71
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	2	4	5
02.99 Total receipts and collections	12	14	15
04.00 Total: Balances and collections	57	71	86
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	57	71	86

Program and Financing (in millions of dollars)

Identification code 96-8217-0-7-306	2005 actual	2006 est.	2007 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	64	76	80
92.02 Total investments, end of year: Federal securities:			
Par value	76	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 were part of 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 Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles. (*Energy and Water Development Appropriations Act, 2006.*)

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2006, 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;

CORPS OF ENGINEERS—CIVIL—Continued

(3) increases funds [or personnel] for any program, project or activity for which funds have been denied or restricted by this Act;

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

(5) augments an existing [programs, projects] program, project, or [activities] activity in excess of \$2,000,000 or 50 percent, whichever is less, unless prior [approval is received from] notice is transmitted to the House and Senate Committees on Appropriations; or

(6) reduces an existing [programs, projects] program, project, or [activities] activity in excess of \$2,000,000 or 50 percent, whichever is less, unless prior [approval is received from] notice is transmitted to the House and Senate Committees on Appropriations; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations].

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

(c) [Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives 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.

(d) None of the funds received by the Corps as a non-Federal share [for project] of the costs [by any agency funded in title I of this Act] of a civil works project shall be available for reprogramming.

SEC. 102. [Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the River and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed \$100,000,000 in each fiscal year.] *The Secretary of the Army is authorized to implement measures throughout the watershed of the Missouri River and its tributaries for the survival and recovery of the interior least tern, the piping plover, and the pallid sturgeon.*

[SEC. 103. In order to protect and preserve the integrity of the water supply against further degradation, none of the funds made available under this Act and any other Act hereafter may be used by the Army Corps of Engineers to support activities related to any proposed new landfill in the Muskingum Watershed if such landfill—

(1) has not received a permit to construct from the State agency with responsibility for solid waste management in the watershed;

(2) has not received waste for disposal during 2005; and

(3) is not contiguous or adjacent to a portion of a landfill that has received waste for disposal in 2005 and each landfill is owned by the same person or entity.]

[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. ST. GEORGES BRIDGE, DELAWARE.—None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.]

SEC. [106] 103. 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 not apply [only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account] to any water resource project.

[SEC. 107. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.]

SEC. [108] 104. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: *Provided*, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

[SEC. 109. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.]

[SEC. 110. Section 123 of Public Law 108–137 (117 Stat. 1837) is amended by striking “in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report” and all that follows and inserting the following language in lieu thereof: “in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated April 2004. The non-Federal sponsor shall receive credit toward its share of project costs for work carried out by the non-Federal sponsor prior to execution of a project cooperation agreement, if the Secretary determines that the work is integral to the project. The non-Federal sponsor may also receive credit for any work performed by the non-Federal sponsor pursuant to a project cooperation agreement. The non-Federal sponsor shall be reimbursed for any work performed by the non-Federal sponsor that is in excess of the non-Federal share of project costs.”.]

[SEC. 111. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.]

[SEC. 112. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA. Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking “\$229,581,000” and inserting “\$358,000,000”.]

[SEC. 113. Truckee Meadows Flood Control Project, Nevada.—The non-Federal funds expended for purchase of lands, easements and rights-of-way, implementation of project monitoring and assessment, and construction and implementation of recreation, ecosystem restora-

tion, and water quality improvement features, including the provision of 6700 acre-feet of water rights no later than the effective date of the Truckee River Operating Agreement for re-vegetation, reestablishment and maintenance of riverine and riparian habitat of the Lower Truckee River and Pyramid Lake, whether expended prior to or after the signing of the Project Cooperation Agreement (PCA), shall be fully credited to the non-Federal sponsor's share of costs for the project: *Provided*, That for the purposes of benefit-cost ratio calculations in the General Reevaluation Report (GRR), the Truckee Meadows Nevada Flood Control Project shall be defined as a single unit and non-separable.】

【SEC. 114. 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, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 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. 115. Section 529(b)(3) of Public Law 106–541 is amended by striking “\$10,000,000” and inserting “\$20,000,000” in lieu thereof.】

【SEC. 116. YAZOO BASIN, BIG SUNFLOWER RIVER, MISSISSIPPI.—The Yazoo Basin, Big Sunflower River, Mississippi, project authorized by the Flood Control Act of 1944, as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control and reduction of sedimentation, erosion and headcutting in watersheds of the Yazoo Basin: Yazoo Headwater and Big Sunflower.】

【SEC. 117. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking “property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge” and inserting “riverfront property”; and

(2) in section 103(c)(7)—

(A) by striking “There is” and inserting the following: “(A) IN GENERAL.—There is”; and

(B) by striking “\$2,000,000” and all that follows and inserting the following: “\$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

“(B) FUNDING.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569).”】

【SEC. 118. Section 593(h) of Public Law 106–541 is amended by striking “\$25,000,000” and inserting “\$50,000,000” in lieu thereof.】

【SEC. 119. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of \$222,000,000.】

【SEC. 120. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

“(72) ALPINE, CALIFORNIA.—\$10,000,000 is authorized for a water transmission main, Alpine, CA.”】

【SEC. 121. (a) The Secretary of the Army may carry out and fund projects to comply with 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 may award grants and enter into contracts, cooperative agreements, or interagency agreements with participants in the Endangered Species Act Collaborative Program Workgroup referenced in section 209(a) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) in order to carry out such projects. Any project undertaken under this subsection shall require a non-Federal cost share of 25 percent, which may

be provided through in-kind services or direct cash contributions and which shall be credited on a programmatic basis instead of on a project-by-project basis, with reconciliation of total project costs and total non-Federal cost share calculated on a three year incremental basis. Non-Federal cost share that exceeds that which is required in any calculated three year increment shall be credited to subsequent three year increments.

(b) Section 205(b) of Public Law 108–447 (118 Stat. 2949) is amended by adding “and any amendments thereto” after the word “2003”.】

【SEC. 122. BLUESTONE, WEST VIRGINIA. Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking “4 years” and inserting “5 years”;

(2) in subsection (b)(1)(B)(iii) by striking “if all” and all that follows through “facility” and inserting “assurance project”;

(3) in subsection (b)(1)(C) by striking “and construction” and inserting “, construction, and operation and maintenance”;

(4) by adding at the end of subsection (b) the following:

“(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).”;

(5) in subsection (c)(1)—

(A) by striking “No” and inserting “Unless otherwise provided, no”;

(B) by inserting “planning,” before “design”; and

(C) by striking “prior to” and all that follows through “subsection (d)”;

(6) in subsection (c)(2) by striking “design” and inserting “planning, design.”;

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.”;

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting “, except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers.”; and

(D) by adding at the end the following:

“(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.”;

(8) in subsection (e) by striking “in accordance” and all that follows through “58 Stat. 890”;

(9) in subsection (f)—

(A) by striking “facility of the interconnected systems of reservoirs operated by the Secretary” each place it appears and inserting “facilities under construction under such agreements”; and

(B) by striking “design” and inserting “planning, design”;

(10) in subsection (f)(2)—

(A) by “Secretary” each place it appears and inserting “Tri-Cities Power Authority”; and

(B) by striking “facilities referred to in subsection (a)” and inserting “such facilities”;

(11) by striking paragraph (1) of subsection (g) and inserting the following:

“(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and”;

(12) in subsection (g)(2) by striking “such facilities” and all that follows through “the Secretary” and inserting “the generating facility”; and

(13) by adding at the end the following:

“(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the ‘Tri-Cities Power Authority’ refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant

CORPS OF ENGINEERS—CIVIL—Continued

to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".]

【SEC. 123. (a) IN GENERAL.—

(1) After the date of enactment of this Act, the Secretary of the Army shall carry out the project for wastewater infrastructure, DeSoto County, Mississippi, authorized by section 219(f)(30) of Public Law 102-580, as amended, in accordance with the provisions of this subsection.

(2) The non-Federal interest shall be primarily responsible for carrying out work on the project referred to in paragraph (1) that is not covered by the Project Cooperation Agreement executed on May 13, 2002 or any amendments thereto, including work associated with the design, construction, management, and administration of the project. The non-Federal interest may carry out work on the project subject to obtaining any permits required pursuant to Federal and State laws and subject to general supervision and administrative oversight by the Secretary of the Army.

(3) The Federal share of project costs incurred by the non-Federal interest in carrying out work on the project as provided for in paragraph (2) shall equal 75 percent of the total cost of the work and shall be in the form of grants or reimbursements, except that the total amount of Federal funds available for the project, including that portion of the project carried out as provided for in paragraph (2), may not exceed \$55,000,000.

(b) TECHNICAL AMENDMENT.—Section 6006 of the Emergency Supplemental Appropriations Act, 2005 (119 Stat. 282) is amended by striking "between May 13, 2002, and September 30, 2005" and inserting "after May 13, 2002" in lieu thereof.】

【SEC. 124. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102-580 and modified by Public Law 108-7 (H.J. Res. 2) Consolidated Appropriations Resolution, 2003, section 107 is further modified to provide that the costs incurred for design and construction of the project channel crossings in the reach of the channels from Shelbourne Avenue proceeding north along the alignment of Durango Drive and continuing east along the Southern Beltway to Martin Avenue shall be added to the authorized cost of the project and such costs shall be cost shared and shall not be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project.】

【SEC. 125. RESTORATION OF THE LAKE MICHIGAN WATERFRONT AND RELATED AREAS, LAKE AND PORTER COUNTIES, INDIANA.—The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to carry out a continuing program for the restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, Indiana.

(1) DEFINITIONS.—

(A) Related areas are defined as adjacent or close sites that have an impact or influence on the waterfront areas or aquatic habitat.

(B) Restore is defined as—

(i) activities that improve a site's ecosystem function, structure, and dynamic processes to a less degraded and more natural condition, and/or

(ii) the management of contaminants that allow the site to be safely used for ecological and/or economic purposes.

(2) JUSTIFICATION.—Projects can be justified by ecosystem benefits, clean-up of contaminated sites, public health, safety, economic benefits or any combination of these. Sites restored for economic purposes can be redeveloped by others. Restoration sites may include compatible recreation facilities that do not diminish the restoration purpose and do not increase the Federal cost share by more than 10 percent.

(3) COST SHARING.—The construction of projects are cost shared at 65 percent Federal and 35 percent non-Federal except when there is a demonstration of innovative technology. The cost share is then 85 percent Federal and 15 percent non-Federal.

(4) CREDIT.—

(A) The Secretary shall credit the non-Federal interest for the value of any lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas required for carrying out a project. When the cost of the provision of all lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas exceeds the non-Federal share,

as identified in paragraph (3), the non-Federal interest may waive any right under Federal cost-sharing policy to receive cash reimbursement for any such value in excess of the non-Federal share as identified in paragraph (3).

(B) The non-Federal interest may provide up to 100 percent of the non-Federal share required under paragraph (3) in the form of services, materials, supplies, or other in-kind contributions including monies paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or jurisdictional consent decree but may not include any monies paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

(C) The total of non-Federal credit for services, materials, supplies, or other in-kind contributions when combined with lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas shall not exceed the non-Federal share identified in paragraph (3).

(5) OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION.—Operation, maintenance, repair, replacement and rehabilitation is 100 percent non-Federal cost.

(6) HOLD HARMLESS.—Non-Federal interests hold and save harmless the United States free from claims or damages due to implementation of the project except for negligence of the government.

(7) AUTHORIZED APPROPRIATIONS.—There is authorized to be appropriated to carry out this program \$20,000,000 for each fiscal year.】

【SEC. 126. CHESAPEAKE BAY OYSTER RESTORATION, MARYLAND AND VIRGINIA.—The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking "\$20,000,000" and inserting "\$30,000,000".】

【SEC. 127. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of Public Law 99-662 (100 Stat. 4115) is modified to authorize the Secretary of the Army to complete the project in accordance with the post authorization change report dated August 2000 at a total cost of \$198,000,000 with an estimated Federal cost of \$148,500,000 and an estimated non-Federal cost of \$49,500,000.】

【SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA (FOLSOM DAM AND PERMANENT BRIDGE).—(a) COORDINATION OF FLOOD DAMAGE REDUCTION AND DAM SAFETY.—The Secretary of the Army and the Secretary of the Interior are directed to collaborate on authorized activities to maximize flood damage reduction improvements and address dam safety needs at Folsom Dam and Reservoir, California. The Secretaries shall expedite technical reviews for flood damage reduction and dam safety improvements. In developing improvements under this section, the Secretaries shall consider reasonable modifications to existing authorized activities, including a potential auxiliary spillway. In conducting such activities, the Secretaries are authorized to expend funds for coordinated technical reviews and joint planning, and preliminary design activities.

(b) SECRETARY'S ROLE.—Section 134 of Public Law 108-137 (117 Stat. 1842) is modified to read as follows:

“SEC. 134. BRIDGE AUTHORIZATION.

“There is authorized to be appropriated to the Secretary of the Army \$30,000,000 for the construction of the permanent bridge described in section 128(a), above the \$36,000,000 provided for in the recommended plan for bridge construction. The \$30,000,000 shall not be subject to cost sharing requirements with non-Federal interests.”.

(c) CONFORMING CHANGE.—Section 128(a) of Public Law 108-137 (117 Stat. 1838) is modified by deleting “above the \$36,000,000 provided for in the recommended plan for bridge construction,” and inserting in lieu thereof the following: “above the sum of the \$36,000,000 provided for in the recommended plan for bridge construction and the amount authorized to be appropriated by section 134, as amended.”.

(d) MAXIMUM COST OF PROJECT.—The costs cited in subsections (b) and (c) shall be adjusted to allow for increases pursuant to section 902 of Public Law 99-662 (100 Stat. 4183). For purposes of making adjustments pursuant to this subsection, the date of authorization of the bridge project shall be December 1, 2003.

(e) EXPEDITED CONSTRUCTION.—The Secretary, in coordination with the Secretary of the Interior and affected non-Federal officials (including the City of Folsom, California), shall expedite construction of a new bridge and associated roadway authorized in Public Law 108-137. The Secretary, to the extent practicable, may construct such work in a manner that is compatible with the design and construction

of authorized projects for flood damage reduction and dam safety. The Secretary and the Secretary of the Interior shall expedite actions under their respective jurisdictions to facilitate timely completion of construction.

(f) REPORT TO CONGRESS.—The Secretary of the Army, in consultation with the Secretary of the Interior and non-Federal interests, shall report to Congress within ninety days of the date of enactment of this Act, and at four-month intervals thereafter, on the status and schedule of planning, design and construction activity.】

【SEC. 129. JACKSONVILLE HARBOR, FLORIDA.—(a) The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$14,658,000, with an estimated Federal cost of \$9,636,000 and an estimated non-Federal cost of \$5,022,000.

(b) The non-Federal share of the costs of the General Reevaluation Reports on the Jacksonville Harbor which were begun prior to August 2004, shall be consistent with the non-Federal costs in implementing the overall construction project.】

【SEC. 130. Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking “\$60,000,000” and inserting “\$240,000,000”.】

【SEC. 131. ONONDAGA LAKE, NEW YORK.—Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f) by striking “\$10,000,000” and inserting “\$30,000,000”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

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

【SEC. 132. WHITE RIVER BASIN, ARKANSAS.—(a) MINIMUM FLOWS.—

(1) IN GENERAL.—The Secretary is authorized and directed to implement alternatives BS–3 and NF–7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) COST SHARING AND ALLOCATION.—Reallocation of storage and planning, design and construction of White River Minimum Flows project facilities shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)). The non-Federal interests shall provide relocations or modifications to public and private lake-side facilities at Bull Shoals Lake and Norfolk Lake to allow reasonable continued use of the facilities with the storage reallocation as determined by the Secretary in consultation with the non-Federal interests. Operations and maintenance costs of the White River Minimum Flows project facilities shall be 100 percent Federal. All Federal costs for the White River Minimum Flows project shall be considered non-reimbursable.

(3) IMPACTS ON NON-FEDERAL PROJECT.—The Administrator of Southwestern Power Administration, in consultation with the project licensee and the relevant state public utility commissions, shall determine any impacts on electric energy and capacity generated at Federal Energy Regulatory Commission Project No. 2221 caused by the storage reallocation at Bull Shoals Lake, based on data and recommendations provided by the relevant state public utility commissions. The licensee of Project No. 2221 shall be fully compensated by the Corps of Engineers for those impacts on the basis of the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project. Such costs shall be included in the costs of implementing the White River Minimum Flows project and allocated in accordance with subsection (a)(2) above.

(4) OFFSET.—In carrying out this subsection, losses to the Federal hydropower purpose of the Bull Shoals and Norfolk Projects shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

(b) FISH HATCHERY.—In constructing, operating, and maintaining the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to the Federal hydropower purpose of the Beaver Lake Project shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration based on the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time operation of the hatchery begins.

(c) REPEAL.—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) and section 304 of the Water Resources Development Act of 2000 (Public Law 106–541) are repealed.】

【SEC. 133. CALCASIEU SHIP CHANNEL, LOUISIANA. (a) IN GENERAL.—At such time as Pujo Heirs and Westland Corporation convey all right, title, and interest in and to the real property described in paragraph (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation.

(b) LAND DESCRIPTION.—The parcels of land referred to in paragraph (a) are the following:

(1) NON-FEDERAL INTEREST IN LAND.—An easement for placement of dredged materials over a contiguous equivalent area to the real property described in subparagraph (2). The parcels on which such an easement may be exchanged is all of the area within the diked or confined boundaries of the Corps of Engineers Dredge Material Placement Area M comprising Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E–3, Tract 140E, or some combination thereof.

(2) FEDERAL INTEREST IN LAND.—An easement for placement of dredged materials over an area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E–2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and other tracts known as Corps of Engineers Dredge Material Placement Area O.

(c) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation shall be by a quitclaim deed.

(2) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (a) shall be completed not later than six months after the date of enactment of this Act.

(3) INCREMENTAL COSTS.—As determined by the Secretary, incremental costs to the Lake Charles Harbor and Terminal District associated with the preparation of the area and the placement of dredge material in the new disposal easement area, paragraph (b)(1), including, site preparation costs, associated testing, permitting, mitigation and diking costs associated with such new disposal easement over the costs that would have been incurred in the placement of dredge material in the old disposal easement area, paragraph (b)(2) (comprising all of Corps of Engineers Dredge Material Placement Area O) up to the disposal capacity equivalent of the property described in paragraph (b)(2), shall be made available by the Owners. Owners shall make appropriated guarantees, as agreed to by the Secretary, that funds will be available as needed to cover such incremental costs. The Lake Charles Harbor and Terminal District, as local sponsor for the Calcasieu Ship Channel Project, shall not be assessed or caused to incur any costs arising out of, associated with or as a consequence of the land exchange authorized under paragraph (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (a) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (a), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.】

【SEC. 134. PROJECT MODIFICATION.—(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14)

“SEC. 134. BRIDGE AUTHORIZATION.—Continued

of the Water Resources Development Act of 1999 (113 Stat. 280–281) is modified—

(1) to deauthorize the ecosystem restoration portion of the project that consists of approximately 90 acres of land located between Randol Mill and the Union Pacific East/West line; and

(2) to authorize the Secretary of the Army to design and construct an ecosystem restoration project on lands identified in subsection (c) that will provide the same or greater level of national ecosystem restoration benefits as the portion of the project described in paragraph (1).

(b) CREDIT TOWARD FEDERAL SHARE.—The Secretary of the Army shall credit toward the Federal share of the cost of the modified project the costs incurred by the Secretary to carry out the project as originally authorized under section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(c) COMPARABLE PROPERTY.—Not later than 6 months after the date of enactment of this Act, the City of Arlington, Texas, shall identify lands, acceptable to the Secretary of the Army, amounting to not less than 90 acres within the City, where an ecosystem restoration project may be constructed to provide the same or greater level of National ecosystem restoration benefits as the land described in subsection (a)(1).】

【SEC. 135. Funds made available in Public Law 105–62 and Public Law 105–245 for Hudson River, Athens, New York, shall be available for projects in the Catskill/Delaware watersheds in Delaware and Greene Counties, New York, under the authority of the New York City Watershed Environmental Assistance Program.】

【SEC. 136. None of the funds contained in title I of this Act shall be available to permanently reassign or to temporarily reassign in excess of 180 days personnel from the Charleston, South Carolina district office: *Provided*, That this limitation shall not apply to voluntary change of station.】

【SEC. 137. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to design and construct until hereafter completed, the recreation and access features designated as Phase II of the Louisville Waterfront Park, Kentucky, as described in the Louisville Waterfront Park, Phases II and III, Detailed Project Report, by the Louisville District of the Corps of Engineers dated May 2002. The project shall be cost shared 50 percent Federal and 50 percent non-Federal. The cost of project work

undertaken by the non-Federal interests, including but not limited to prior planning, design, and construction, shall be credited toward the non-Federal share of project design and construction costs.】

【SEC. 138. AKUTAN, ALASKA.—(a) IN GENERAL.—The Secretary of the Army is authorized to carry out the project for navigation, Akutan, Alaska, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$19,700,000.

(b) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.】

【SEC. 139. (a) IN GENERAL.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776) shall be known as and designated as the “Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island”.

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper or other record of the United States (including reference by the Corps of Engineers) to the project referred to in subsection (a) shall be deemed to be a reference to the “Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island”.

(c) EFFECTIVE DATE.—The project designation in this section shall become effective on January 4, 2007.】 (*Energy and Water Development Appropriations Act, 2006.*)

[Title V—General Provisions and Technical Corrections]

【SEC. 5008. Section 118 of Public Law 109–103 is amended by striking “106–541” and inserting “106–53” in lieu thereof.】 (*Emergency Supplemental Appropriations Act to address hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.*)

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.