

104TH CONGRESS
2D SESSION

H. R. 3152

To permit the Federal Government to provide funding for wetland creation and improvement through the construction of upland dredge material disposal facilities and funding for upland dredge material disposal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1996

Mr. BAKER of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To permit the Federal Government to provide funding for wetland creation and improvement through the construction of upland dredge material disposal facilities and funding for upland dredge material disposal, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wetland Creation and
5 Improvement Act”.

1 **SEC. 2. COST SHARING FOR UPLAND AND CONFINED**
2 **AQUATIC DREDGED MATERIAL DISPOSAL FA-**
3 **CILITIES.**

4 (a) TREATMENT IN GENERAL.—Notwithstanding any
5 other provision of law, after the date of the enactment of
6 this Act, the cost of providing upland and confined aquatic
7 dredged material disposal facilities associated with the
8 construction, operation, and maintenance of all Federal
9 navigation projects for harbors and inland harbors, includ-
10 ing the cost of diking and the cost of applying dredged
11 material to beneficial use, and other improvements nec-
12 essary for the proper disposal of dredged material shall
13 be considered a general navigation feature of the project
14 and shall be subject to cost sharing as such a feature in
15 accordance with section 101(a) of the Water Resources
16 Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat.
17 4082–4083).

18 (b) OPERATION AND MAINTENANCE.—The Federal
19 share of the cost of operation and maintenance of each
20 disposal facility to which subsection (a) applies shall be
21 determined in accordance with section 101(b) of the Water
22 Resources Development Act of 1986 (33 U.S.C. 2211(b);
23 100 Stat. 4083).

24 (c) ELIGIBLE COSTS.—For purposes of section 210
25 of the Water Resources Development Act of 1986 (33

1 U.S.C. 2238; 100 Stat. 4106) eligible operation and main-
2 tenance costs shall include—

3 (1) the Federal share of the costs of construct-
4 ing dredged material disposal facilities associated
5 with the operation and maintenance of all Federal
6 navigation projects for harbors and inland harbors;

7 (2) the Federal share of the cost of operating
8 and maintaining dredged material disposal facilities
9 associated with the construction, operation, and
10 maintenance of all Federal navigation projects for
11 harbors and inland harbors;

12 (3) the Federal share of the costs of environ-
13 mental dredging and disposal facilities for contami-
14 nated sediments which are in or which affect the
15 maintenance of Federal navigation channels and the
16 mitigation of environmental impacts resulting from
17 Federal dredging activities; and

18 (4) consistent with the cost-sharing provisions
19 of subsection (a), the Federal share for the dredg-
20 ing, management, and disposal of in-place contami-
21 nated sediments, or other environmental remediation
22 in critical port and harbor areas in order to facilitate
23 maritime commerce and navigation.

24 In selecting and carrying out projects made eligible for
25 assistance under paragraph (4), the Secretary of the Army

1 shall give preference to port areas to the extent that an-
2 nual payments of the harbor maintenance fee under sec-
3 tion 9505 of the Internal Revenue Code of 1986 exceed
4 Federal expenditures made from the Harbor Maintenance
5 Trust Fund for projects in such port area.

6 (d) LIMITATIONS ON USE OF FUNDS.—No funds
7 comprising the Federal share of costs described in sub-
8 section (a) shall be expended until the Secretary of the
9 Army determines that such funds are not otherwise re-
10 quired to cover other eligible operation and maintenance
11 costs assigned to commercial navigation. The Federal
12 share for each project made eligible by subsection (c) shall
13 not exceed \$25,000,000 in any fiscal year.

14 (e) APPLICABILITY.—This section shall apply to the
15 construction of dredged material disposal facilities for
16 which a contract for construction or usable increment
17 thereof, or the construction of the associated navigation
18 project or usable increment thereof has not been awarded
19 on or before the date of the enactment of this Act. The
20 Secretary of the Army may amend, with the consent of
21 the non-Federal interest, project cooperation agreements
22 to provide for the Federal share of project costs of dredged
23 material disposal facilities as provided in this section.

24 (f) PROTECTION OF NON-FEDERAL SHARE.—Noth-
25 ing in this section shall increase, or result in the increase

1 of, the non-Federal share of the costs of any dredged ma-
2 terial disposal facility authorized to be provided before the
3 date of the enactment of this Act.

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